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BEFORE THE
ILLINOIS COMMERCE COMMISSION

IN THE MATTER OF:)
)
AMERICANA TOWERS,)
)
Complainant,)
)
vs.) No. 05-0415
)
COMMONWEALTH EDISON COMPANY,)
)
Respondent.)
)
)
)

Chicago, Illinois
November 15th, 2006

Met, pursuant to notice, at 10:00 a.m.

BEFORE:

MR. DAVID GILBERT, Administrative Law Judge

APPEARANCES:

LAW OFFICES OF MICHAEL A. MUNSON
MR. MICHAEL A. MUNSON
123 N. Wacker Drive Suite 1800
Chicago, Illinois 60606
(312) 474-7872
for Americana Towers;

1 MR. MARK L. GOLDSTEIN
2 108 Wilmot Road
3 Suite 330
4 Deerfield, IL 60015
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6 appearing for respondent.
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21 SULLIVAN REPORTING COMPANY, by
22 Adrienne White, CSR
 License No. 084-004614

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I N D E X

<u>Witnesses:</u>	<u>Direct</u>	<u>Cross</u>	<u>Re-</u> <u>direct</u>	<u>Re-</u> <u>cross</u>	<u>By</u> <u>Examiner</u>
Mr. Geraghty	306	310	399	401	382
Mr. Scherer	402	404	445	447	429

E X H I B I T S

<u>Number</u>	<u>For Identification</u>	<u>In Evidence</u>
1.0	304	309
1.1-1.16	304	309
Cross 7A, 7B	335	402
ComEd 3.0-3.2	403	404

1 (Whereupon, ComEd Exhibits Nos.
2 1.0 & 1.1-1.16 were marked for
3 identification.)

4 JUDGE GILBERT: Pursuant to the authority of
5 the Illinois Commerce Commission, I now call Docket
6 05-0415.

7 If I could have the appearances for
8 the record, please, beginning with the complainant.

9 MR. MUNSON: On behalf of the complainant,
10 Americana Towers Condominium Association,
11 Michael A. Munson from the Law Office of
12 Michael A. Munson, 123 North Wacker Drive, Suite
13 1800, Chicago, Illinois 60606.

14 MR. GOLDSTEIN: On behalf of Commonwealth
15 Edison Company, Mark L. Goldstein, 108 Wilmot Road,
16 Suite 330, Deerfield, Illinois 60015. My telephone
17 number is 847-580-5480.

18 JUDGE GILBERT: All right. This is day 2 of
19 the evidentiary hearing in the case. Yesterday, the
20 complainant completed its case. And we heard from
21 Ms. Miller on behalf of the respondent, Commonwealth
22 Edison.

1 The two ComEd witnesses remaining and
2 my understanding now is that the next witness to
3 appear will be Mr. Geraghty.

4 Is there anything of a preliminary
5 nature anyone wants to state for the record before we
6 proceed with Mr. Geraghty?

7 MR. MUNSON: Yes, Judge. Counsel for ComEd has
8 informed me of Supreme Court Rule 3.3. Is that the
9 reg rule?

10 MR. GOLDSTEIN: Yes.

11 MR. MUNSON: And yesterday we heard testimony
12 from Mr. Marshall Shiffren (phonetic) who stated on
13 the record that he is being compensated on a
14 contingent fee basis.

15 Counsel for ComEd informed me that as
16 of Supreme Court Rule 3.3, it is my opinion that I do
17 think it applies. And I'm going to move forward with
18 the case.

19 JUDGE GILBERT: All right. Mr. Goldstein, is
20 Mr. Geraghty ready?

21 MR. GOLDSTEIN: Yes, he is, Judge.

22

1 (Witness sworn.)

2 **DAVID F. GERAGHTY,**

3 called as a witness herein, having been first duly
4 sworn, was examined and testified as follows:

5 EXAMINATION

6 BY

7 MR. GOLDSTEIN:

8 Q Mr. Geraghty, would you state your full
9 name and spell your last name for the record, please.

10 A David F. Geraghty, G-e-r-a-g-h-t-y.

11 Q And by whom are you employed and in what
12 capacity?

13 A I'm employed by Commonwealth Edison
14 Company. And I am in the rate department as a rate
15 design and administration manager.

16 Q Let me show you a document that has been
17 marked as ComEd Exhibit 1.0 with the cover page for
18 this matter -- with the title, Rebuttal testimony of
19 David F. Geraghty. It has a cover page and 33 pages
20 following of questions and answers.

21 Do you have that before you,
22 Mr. Geraghty?

1 A Yes, I do.

2 Q If I were to ask you the questions set
3 forth on those 33 pages, would your answer be the
4 same?

5 A Yes, they would.

6 Q Do you have any corrections or additions to
7 that testimony?

8 A No.

9 Q Let me show you what's been marked as
10 Exhibit 1.1. You have that in front of you?

11 A Yes, I do.

12 Q It is a one-page exhibit. What is the
13 source of this exhibit, Mr. Geraghty?

14 A I created this exhibit.

15 Q And it discusses various information with
16 respect to the bill dates and information about
17 energy and demand that's relevant to this case; is
18 that right?

19 A Yes, it summarizes billing information from
20 bills that I received from Americana Towers.

21 Q Let's turn now to Respondent's 1.2, which
22 is a one-page exhibit. And this -- as I gather -- is

1 a response to -- made by the complainant to a data
2 request No. 8 that ComEd propounded to the
3 complainant; is that right?

4 A Yes, it is.

5 Q Let's now turn to Respondent's Exhibit 1.3,
6 which is a four-page exhibit. Could you describe
7 what is contained on that exhibit?

8 A This exhibit is the general service rate 6,
9 tariff sheets that were dated effective March 15th,
10 1992, and various other pages also dated in 1992 as
11 the effective tariffs.

12 Q And these are the effective tariffs of
13 Commonwealth Edison Company for the period that is
14 described in your testimony?

15 A Yes, they are.

16 Q Let's turn to Exhibit 1.4.

17 JUDGE GILBERT: Let me make a suggestion
18 because we're going eventually to be dealing with
19 Exhibit 1.16, so there are several more exhibits to
20 go. They're on file. I think we've all taken a look
21 at them. Unless anything is changing, why don't we
22 just move to admit.

1 MR. GOLDSTEIN: I'll be happy to do that,
2 Judge.

3 BY MR. GOLDSTEIN:

4 Q Attached to your testimony, Mr. Geraghty,
5 are 16 exhibits, 1.1 through 1.16. These are the
6 exhibits that either are part of the books and
7 records of Commonwealth Edison Company or were
8 prepared by you or were provided as part of data
9 requests in this matter; is that right?

10 A Yes, they are.

11 MR. GOLDSTEIN: All right. I would then move
12 into evidence, Judge, ComEd Exhibit 1.0, and 1.1
13 through 1.16. And Mr. Geraghty is available for
14 cross-examination.

15 JUDGE GILBERT: All right. Is there any
16 objection?

17 MR. MUNSON: No.

18 JUDGE GILBERT: All right. ComEd 1.0 and 1.1
19 through 1.16 are admitted.

20 (Whereupon, ComEd Exhibit
21 No. 1.0 and 1.1 through 1.16
22 were admitted into evidence.)

1 JUDGE GILBERT: Ready for cross-examination?

2 MR. MUNSON: Yes, Judge.

3 JUDGE GILBERT: Okay.

4 CROSS-EXAMINATION

5 BY

6 MR. MUNSON:

7 Q Mr. Geraghty, please take a look at your
8 Exhibit 1.1. Please tell me what this is.

9 A Exhibit 1.1 is a summary of the bill
10 statements that were provided to ComEd by
11 Mr. Shiffren for a period of 1991 in October through
12 January of 1996.

13 And it also includes a load factor
14 analysis of those billing amounts for that period of
15 time.

16 Q For one set of meters, correct?

17 A It has the set of meters that were starting
18 out with meter number 979 if I can abbreviate the
19 meter, although other meters --

20 Q Let's refer to that meter as 979.

21 A Okay. Although --

22 Q Subsequent --

1 A -- other meters --

2 Q Yes.

3 A Other meters were put in place on

4 subsequent dates.

5 Q Now, did you use any other information

6 besides Mr. -- the bills provided by Mr. Shiffren to

7 construct this exhibit?

8 A I did not use any other information besides

9 those bills, the bill statements that were presented

10 to ComEd.

11 Q Okay. Now, let's take a representative

12 month. Let's take February 11, 1993, through

13 March 16th, 1993; you see that?

14 A Yes, I do.

15 Q I'm sorry. Let me go back. This is

16 basically a load factor analysis. Can I term this

17 exhibit as that?

18 A This exhibit shows the load factor for each

19 of these bill periods --

20 Q Okay.

21 A -- that we had information available to us.

22 Q The load factor analysis, right?

1 A It shows load factors that were calculated
2 for the bill periods for the bill statements that we
3 had available to us to review.

4 Q Okay. Okay. Now, how -- what is a load
5 factor?

6 A Load factor is a calculation of the amount
7 of energy that a customer could use dependent on its
8 maximum demand.

9 So if a customer sets a demand at a
10 certain level, and were to use that demand for the
11 entire billing period, the load factor would be 100
12 percent.

13 If the customer were to use less than
14 that demand for the bill period at some points in
15 time, the load factor would not be 100 percent, it'd
16 be something less.

17 Q And a 50 percent load factor would indicate
18 what?

19 A It would indicate that the customer did not
20 utilize the demand level that they established in a
21 high half-hour period for the entire bill period.

22 Q I'm not trying to be tricky. I just want

1 to make sure we're clear here. A high half-hour
2 period -- now, I honestly don't know this.

3 The time of day of the recorder
4 meters, are those interval meters in that they record
5 half-hour interval usage throughout the year?

6 A The meters that are recorder meters are
7 recording data on a half-hour basis.

8 Q Okay.

9 A And --

10 Q They are? I'm sorry. They are recording
11 usage on a half-hour basis --

12 A Yes, they are.

13 Q -- the recorder meters. Okay. And the
14 time of day meters, the second meter in this exhibit,
15 the time of day meter, does that record --

16 A I'm not an expert on the meters themselves,
17 so I can't tell you for certainty how a time of day
18 meter is going to record.

19 Q Fair enough. But you were explaining what
20 a 50 percent load factor is. Can you say that again?
21 What would be -- what would constitute a 50 percent
22 load factor?

1 A What I was saying is that if a customer
2 does not utilize the half-hour demand that they set
3 for the entire bill period, at 100 percent of the
4 time, they will have a load factor less than 100
5 percent.

6 The calculation would be dependent on
7 how much they utilized during that bill period and if
8 it were to work out to 50 percent, that would be the
9 answer.

10 Q Okay. I think I understand. All right.
11 So is it fair to say from what you just said on the
12 first bill 10/10/91 to 12/12/91, a two month period,
13 that a 76 percent load factor that they used a demand
14 of 91.8, 76 percent of the time?

15 A No, I would not say that. I think that
16 just indicates that when you multiply the 91.8
17 kilowatts of demand times the number of hours that
18 were in the period that was reviewed, and that
19 becomes the denominator in this calculation.

20 And you look at the actual energy
21 usage of 105,000 over that period, you would have a
22 load factor of 76 percent.

1 Q Okay. So take a look at February 11, 1993,
2 through March 16, 1993 on -- it's in the darkened
3 area, third of the way down to the darkened area; you
4 see that?

5 A Yes, I do.

6 Q Okay. And the kilowatt hours -- and the
7 month's demand for Meter 979 was for 298.8 kilowatts,
8 correct?

9 A That's what it shows.

10 Q And the kilowatt hour for that month was
11 171,240, correct?

12 A And that's what it shows.

13 Q The prior year -- if you look at
14 February 11th, '92 to March 13th, '92, you see that
15 it also shows there was a peak demand of 90.6 KW,
16 correct?

17 A That's what it shows.

18 Q Now, associated kilowatt hours for that
19 2/11/92 to 3/13/92 period equals 55,800 kilowatt
20 hours, correct?

21 A Yes.

22 Q The load factor for that is 83 percent for

1 that period February 11th, '92 to March 13th. That's
2 what Exhibit 1 shows, right?

3 A Yes, it does.

4 Q Okay. Now, for our purpose, do you have a
5 calculator on hand?

6 A Yes, I do.

7 Q Okay. Would you mind doing a calculation
8 for me. If you -- let's take the 1993 kilowatt hours
9 of 298.8 and subtract out the 1992 kilowatts.

10 I'm sorry. Not the kilowatts, take
11 the demand. Subtract 90.6 from 298.8.

12 A You're going to have to repeat the math
13 that you're asking me to do.

14 Q I'm sorry?

15 A I did not do this math as part of my
16 testimony.

17 Q No, I know. That's what I'm asking you.
18 Please take the demand from February 11th, 1993 to
19 March 16th, 1993. That's a demand of 298.6. Is it
20 6? No, 298.8.

21 Okay. Now, I'm asking you to subtract
22 out the demand from the prior year, February 11, 1992

1 to March 13, '92 of 90.6.

2 Okay. And that should equal 208.2; is
3 that correct?

4 A That's not what I came up with.

5 Okay. 208.2.

6 Q Okay. Okay. And so the 1993 respective
7 billing period increased 208 additional kilowatts
8 from the prior year; is that correct?

9 A The usage that was in 1993 was --

10 Q The demand?

11 A -- measured. The demand value was measured
12 on the meter which is when the meter was tested.

13 Q That's not what I'm asking you. I'm saying
14 it used 208.2 additional kilowatts not used. It had
15 a demand of 208.2 additional kilowatts than the prior
16 year; isn't that true?

17 A Ameritech used -- sorry. Americana used
18 208.2 kilowatts of demand more in the year '93 than
19 they did in the year '92 for that period.

20 Q Okay. Now, that equates -- that 208.2
21 kilowatts equates to roughly 3.3 times as much
22 kilowatts as the prior year; isn't that correct?

1 A I didn't do that math.

2 Q Well, why don't you do it. 3.3 times 90.6.

3 MR. GOLDSTEIN: Would you accept that subject

4 to check, Mr. Geraghty?

5 THE WITNESS: Yes, I can.

6 BY MR. MUNSON:

7 Q All right. So that's correct?

8 A I can accept that subject to check.

9 Q 3.3, you're free to check it. Simple

10 calculation, 90.6 times 3.3. Roughly, 3.3 times as

11 many kilowatts as the previous year.

12 Now, let's do the same thing with

13 kilowatt hours. Okay? There's 171,240, cut to the

14 chase, minus 55,800. That equals 115,440 additional

15 kilowatt hours over and above the prior year's usage;

16 is that correct?

17 A Yes, it is.

18 Q Okay. And that equates to roughly 3.1

19 times as many kilowatt hours as the previous year,

20 correct?

21 A I can accept that subject to check.

22 Q Okay. So let's do a load factor analysis

1 for the additional kilowatts and kilowatt hours.

2 Okay. So let's -- give me the math.

3 So if you -- and let me see if I have

4 the math correct. Okay. Let's take 115,440

5 additional kilowatt hours. And then you divide that

6 by 24 hours in a day, right? Times -- in this period

7 was 33 days in the billing period. Times the extra

8 demand, 208.2 kilowatts of demand.

9 Can you make that calculation?

10 A Well, I don't know the exact number of days

11 are the same in both bill periods, but I have a

12 number of 164,894; is that what you have?

13 Q I'm sorry. I was doing -- what does that

14 164,000 equal?

15 A The 208.2, I think it was, times the

16 33 days that you said were in the bill period.

17 Q I think you misunderstood me. Can you do a

18 load factor? So I was thinking in terms of

19 percentage.

20 So what's the load factor on that

21 additional load. So if you take --

22 A I have not done these analyses.

1 Q No, I know. That's why --

2 A So therefore --

3 Q -- cross-examined. And I'm asking you the
4 questions, and I want you to make the calculations.
5 All right.

6 So let's do a load factor analysis on
7 that additional load. It's not trying to be tricky.
8 The numbers are there.

9 A Do you have a piece of scrap paper I can
10 look at here?

11 MR. GOLDSTEIN: Sure.

12 BY MR. MUNSON:

13 Q So let me make sure I have my math right.
14 To do a load factor for this additional load, you
15 take the additional kilowatt hours of 115,440, right?

16 You divide that by the sum of
17 24 hours; 24 hours in a day times -- in this billing
18 period -- 33 days in the billing period times the
19 additional demand, which is 208.2 KW, and that equals
20 what?

21 A I come up with 70 percent.

22 Q Thank you. And that's consistent with your

1 thoughts or your hypothesis and your testimony about
2 the meters having kilowatts and demand of usage with
3 a consistent load factor?

4 A Well, that's not the way I calculated
5 because I look at the entire usage during each of
6 these bill periods, so it's not consistent with the
7 way I calculated the load factors.

8 Q I'm not -- that 70 percent is consistent
9 with the load factor for each month of Exhibit 1.1;
10 would you agree with that?

11 A There are quite a few months where the load
12 factor runs in that 70 percent range.

13 Q Okay. Fair enough. So in order to achieve
14 115,440 kilowatt hours, the entire 208 KW of
15 additional demand, would have to return an average of
16 70 percent of the hours in the billing period; is
17 that correct?

18 A The analysis would have to be done so that
19 you're looking at the entire bill period and
20 determining how often they were -- in essence, they
21 were utilizing energy, but the demand was already
22 established at the -- actually, at the 298.8 kilowatt

1 demand. And that was running at some value at some
2 percentage of the time.

3 Q A what percentage of the time? It's 70
4 percent, right? That's the load factor.

5 A In this case running approximately 70
6 percent of the time.

7 Q Okay. So 70 percent of hours in a 24-hour
8 period is what? You have a calculator. What's 24
9 times point 7?

10 A 16.8.

11 Q So in order to achieve 115,440 kilowatt
12 hours, the entire 200 plus KW of load would have to
13 run 16.8 hours a day on average for every day in that
14 33-day billing period, right?

15 A It would have to be running during that
16 billing period at some level that when you do the
17 load factor calculation --

18 Q At what level?

19 A -- you would have to have roughly 70
20 percent of the time you're running --

21 Q 16.8 hours a day on average, right?

22 A If it takes 16.8 hours a day to run that

1 kind of load, then, yes, that would be that many
2 hours.

3 Q Okay. So in rough numbers for the 9-month
4 period in question, with the same reasoning -- and we
5 can do this -- and I'll do it on brief -- but, almost
6 200 KWs of additional load would have to average
7 16 hours a day for 270 days consecutively to reach
8 that load factor that you calculated for each of
9 those nine months; is that correct?

10 A What's correct is that the meters register
11 the loads that are being shown here on the bills.

12 Q That's not what I asked you. I asked you,
13 utilizing the same reasoning of the calculations we
14 went through before -- and we can do it again if you
15 don't understand it -- is that in order to achieve
16 this 200 KW of additional load on these meters for
17 that 9-month period, you would have to run that 200
18 KW an average of roughly 16 hours a day for 270 days,
19 correct?

20 A They would have to run the loads a certain
21 number of hours per day.

22 Q How many hours?

1 A How many hours that is would depend on the
2 bill periods each month and what the load factors
3 were each month.

4 Q All right. Well, why don't you do me a
5 favor and take some time and calculate that out. And
6 tell me what that is utilizing your numbers on
7 Exhibit 1.1?

8 A I can see from the Exhibit 1.1 that it
9 averages in the -- about 72 percent down to around 66
10 percent.

11 Q Sure --

12 A There were a couple months where the
13 load --

14 Q Take the low end --

15 A There's a couple months below that 153
16 percent and 134 percent.

17 Q Okay. So take the low end.

18 A The 34 percent?

19 Q You know, do the math. I'm saying on
20 average, you would agree that if you had 200 KWS of
21 additional load, you would have to average 16 hours a
22 day for this 9-month period to reach the load factor

1 of those additional KWs and Kwh; is that correct?

2 A The additional load is going to be
3 dependent on what the loads were. You're referring
4 back to previous bill periods.

5 Q Okay. Let's do it then --

6 A It changes from month to month and --

7 Q Let's go through it then. Pull out your
8 calculator subtract out the kilowatts of energy from
9 December 12, 1992, and take the prior bill date of
10 December 12, 1991, subtract out the energy, subtract
11 out the demand, and do the load factor analysis for
12 the additional demand.

13 Can you do that for me. Or you can
14 agree that you have to average 16 hours a day for an
15 additional 200 KW roughly, roughly, the numbers speak
16 for themselves every day for nine months?

17 You could just easily state subject to
18 check if you agree with that.

19 A When I do the calculations for the period
20 that you inquired about, December 12th, '91 to
21 January 15th, '92, versus December 12th, '92 through
22 January 13th, '93, I come up with the 45 percent load

1 factor.

2 Q For the additional load?

3 A So I can't agree with you.

4 Q Okay. So do it for all the months, and
5 then tell me how much additional load and how long
6 that additional load on a per day basis would have to
7 run for that 9-month period?

8 A Well, I think that -- subject to check --
9 if we were to do it for all the months, we would see
10 that it's going to probably pretty closely reflect
11 what's already in this period that's shaded on the
12 exhibit. And you're asking about a period that was a
13 53 percent load factor in --

14 Q No, I was asking --

15 A -- 1993.

16 Q -- for you to do the whole calculation if
17 you don't believe me that it's 200 KW. And it's
18 probably a little less admittedly, but that's a round
19 number that I could do math on of additional load for
20 taking into account the prior years usage and demand
21 with that year's usage; it's just numbers.

22 A These are numbers that were registered on

1 the meters for --

2 Q That's right.

3 A -- usage that was used in --

4 Q And your hypothesis is -- okay. Let me

5 just make sure we're clear. Okay. Your hypothesis

6 is this is right. Let's go to that. Okay.

7 I've got that end. Let's go to that.

8 So you have one of these? Exhibit 1.1 of

9 Mr. Shiffren's testimony? Not only -- I'll provide

10 to you just for -- unless you want to look it up on

11 other things.

12 It's been admitted into evidence. And

13 you have disputed many of the calculations with this.

14 So look at February 11th, '92 to 3/13/92; you see

15 that?

16 A Yes, I do.

17 Q Okay. Now, look at the total bill peak

18 demand for that time. What is that number?

19 A With reference to what meter you're looking

20 to?

21 Q The total building usage. The total peak

22 KW?

1 A If I'm looking at it correctly, 197.6.

2 Q Okay. All the way on the right, there's

3 a -- it's labeled. The column is labeled, Total

4 bill peak demand. And that's where you get the

5 197.6, right?

6 A Yes.

7 Q Okay. Now, that 197.6 is the total

8 building load during that particular month; is that

9 correct?

10 A No, it's not.

11 Q For that month, it's not? Oh, I'm sorry.

12 The total bill peak demand?

13 A That is the total bill peak demand

14 according to this summary here.

15 Q Okay. Now, we just went through prior that

16 roughly 200 KW in this month was added during the

17 next year, you recall those line of questions?

18 A We discussed that the peak demand on Meter

19 979 in 1993 was roughly 200 kilowatts higher --

20 Q Right.

21 A -- than the peak demand during that similar

22 bill period in 1992.

1 Q No, not the amount of bill period, the same
2 February to March billing period?

3 A Correct. No, January to Feb- -- no, you're
4 right. February to March bill period in 1992.

5 Q So the 200 additional KW -- so what you're
6 saying is the building usage doubled in a year,
7 right? Building usage and demand doubled in a year?

8 A What I said was that the meters registered
9 loads in a high half-hour period that had these
10 demands --

11 Q Actually, not a high half-hour period,
12 right? It was cumulative at this time?

13 A A cumulative --

14 Q A high period, right?

15 A A cumulative meter will measure a high half
16 hour period.

17 Q Okay. So, but, that means that basically
18 the load doubled in the next year and the usage?

19 A The customer's increased usage was more
20 than it was the previous year.

21 Q Right. For the whole building. Sorry.
22 Let me -- that wasn't -- let me try again. The

1 additional load on Meter No. 979 corresponds to the
2 full 197.6 KW roughly, of the total peak period
3 measured in 1992 over the February to March period,
4 correct?

5 A Could you restate that please.

6 Q It doesn't matter. And it's true that if
7 you triple the kilowatts and triple the kilowatt
8 hours, the load factor stays the same; is that
9 correct, generally speaking?

10 A The load factor will be the same when the
11 customer uses triple the demand and the customer also
12 uses triple the kilowatt hours of energy. And you do
13 the calculation for load factor, you'll have a
14 similar load factor.

15 Q Right. So if you multiply both the
16 numerator and denominator by the same number, 3, 6, 1
17 million, the load factor would remain the same; is
18 that correct?

19 A The calculation doesn't change. The only
20 thing that's changing is the amount of customer
21 usage.

22 Q And demand?

1 A And demand. I include that as part of
2 their usage, the demand and energy.

3 Q Okay. So if you take the 1992 kilowatts on
4 this meter, the demand and the energy and multiply by
5 3, you get roughly the same load factor? You get
6 exactly the same load factor, correct?

7 A If I were to take the demand from 1992 for
8 the March bill and multiply it times 3 --

9 Q And the KW or are you just saying demand?

10 A And if I were to take the energy in 1992
11 and the March bill period and multiply it times 3,
12 and then run a load factor calculation, I would have
13 the same value.

14 Q And now, you're aware that this is a
15 condominium building; is that correct?

16 A I'm not familiar with the building,
17 although I see in the name, it's a condominium
18 association.

19 Q But you're aware that it is, right?

20 A I've never been to the building, and I'm
21 not familiar with -- -

22 Q Do you have a reason to believe it's not a

1 condo?

2 A I do not have a reason to believe it's not
3 a condo.

4 Q So in your experience what sort of load
5 factor do condominium buildings have?

6 A I have no experience to make that type of a
7 judgment.

8 Q How about industrial facilities?

9 A They vary quite a lot.

10 Q You would say that industrial facilities
11 vary more in load factor than you would expect a
12 fully-occupied condominium building to vary; is that
13 correct?

14 A I don't really have an opinion about how a
15 condominium building will vary. I'm not familiar
16 with the building as to whether or not there are
17 other usages that occur in the building besides the
18 condominiums themselves.

19 Q All right.

20 A I think condominium buildings could vary
21 depending on occupancy also.

22 Q Okay. Well, yeah, if occupancy -- well,

1 strike that.

2 Is it your testimony that this
3 condominium tripled the amount of units during these
4 nine months?

5 A My testimony is that the meters registered
6 the usage, which is a combination of the demand
7 values and the energy values which are higher than
8 they had been historically.

9 Q Did they add additional units? 50 percent?
10 100 percent? Did they build onto the unit?

11 A That's not my testimony. I do not know.

12 Q So do you believe that to be true?

13 A I don't know.

14 Q You don't know the reason why the usage and
15 demand tripled during those nine months, do you?

16 A I have no knowledge of why the customer
17 used more energy during that period of time. I
18 testified that the meters registered this usage. And
19 this is what ComEd billed the customers for this
20 usage.

21 Q Okay. How many watts is a megawatt?

22 A I think it's a million, would be a

1 megawatt. Watts would be -- one megawatt would be a
2 million watts.

3 Q You're -- go back to it. You're employed
4 by ComEd?

5 A Yes, I am.

6 Q And Exelon is a parent -- is 100 percent
7 owner of ComEd, correct?

8 A Exelon Corporation is a parent company of
9 ComEd.

10 Q Okay. Now, are you aware that in various
11 press releases that Exelon produces -- that they
12 state that a megawatt is enough electricity to power
13 a thousand typical households?

14 A I'm not familiar with the press release
15 that you're referring to.

16 Q Are you familiar with that statement that a
17 megawatt is enough to power about a thousand typical
18 households?

19 A Subject to check, I can assume that you
20 have that statement.

21 Q Okay. So you don't need me to enter in
22 these -- let me just do it anyway. I am going to

1 mark for -- I think Cross Exhibit 7, are we up to?

2 JUDGE GILBERT: Yes. Americana Cross 7.

3 (Whereupon, Americana Cross
4 Exhibit No. 7 was marked for
5 identification.)

6 BY MR. MUNSON:

7 Q All right. Marking for Exhibit purposes
8 Americana Cross Exhibit 7A and 7B, which is an Exelon
9 press release dated October 9th and October 10, 1996,
10 which was pulled off the Web site.

11 JUDGE GILBERT: Which is A? Which is B?

12 MR. MUNSON: The earlier -- the October 9th is
13 Cross Exhibit 7A.

14 BY MR. MUNSON:

15 Q And if you -- if I can refer you to the --
16 1, 2, 3, 4, 5, 6th paragraph on Exhibit 7A, the last
17 sentence of that paragraph.

18 Can you read that for me.

19 A One megawatt provides enough electricity to
20 power approximately 1000 homes.

21 Q Now, on Exhibit 7B -- 1, 2, 3, 4th
22 paragraph, last sentence; can you read that?

1 A A megawatt is a million watts, enough
2 electricity to power about a 1000 typical households.

3 Q Okay. So 200 KW is roughly -- well, is 20
4 percent of a megawatt, correct?

5 A 200, yes, that would be about 20 percent of
6 a megawatt.

7 Q A megawatt is 100 KW, right?

8 A Right.

9 Q And then 200 -- so just by this reasoning,
10 extrapolated from this, 200 KW would be enough to
11 power 200 typical households?

12 A If you extrapolate from this.

13 Q Okay.

14 A Subject to check, please, though. I
15 haven't done the math on that.

16 Q Now, on line 170, you state that the TTR
17 shows a note recorded on December 28, 1992; is that
18 correct?

19 MR. GOLDSTEIN: You want to refer him to
20 rebuttal testimony.

21 BY MR. MUNSON:

22 Q I'm sorry. Line 170, page 5 of 33. You

1 have that? It's around line 170 near the bottom of
2 the page.

3 A I see it on line 71.

4 Q Okay. I was just saying if you see that.
5 Now, the TTR is the term transaction register and
6 that is a log? How can I term that? Log? You enter
7 it on a computer, correct?

8 A I'm not in the ComEd billing department and
9 not an expert on the TTR, but my understanding of the
10 TTR is that it records transactions that occur on --
11 in this case, a customer account that is on the ComEd
12 Customer Information System, CIS system.

13 Q My question now is: If somebody enters
14 that on a computer to say that the note that was
15 recorded on 12/28/1992 -- somebody enters -- an
16 actual person enters that into the TTR, correct?

17 A This note would have been entered by a
18 person on the CIS billing system, which is recorded
19 on the TTR.

20 Q Okay. And can that be done remotely?

21 A I don't know what you mean by "remotely".

22 Q Say if they go into an office, correct?

1 And type in -- type information into a TTR or can
2 they pull up their computer and --

3 A I'm not in the billing department, and I
4 don't have familiarity with that operation.

5 Q Fair enough, but this is in 1992, the
6 likelihood of -- strike that.

7 Okay. So the entry of the TTR stated
8 that the electrical vault filled up with water,
9 paraphrasing, correct?

10 A That was my observation of the TTR.

11 Q Okay. And now, you've -- please see lines
12 178 to 184.

13 A Okay.

14 Q The question and answer there. All right.
15 Now, you did not contact myself, Mr. Shiffren or the
16 customer to try to obtain this information after you
17 made this request, did you?

18 A No, I did not.

19 Q And you or your counsel did not have any
20 consultation after this request was filed or make
21 reasonable attempts to resolve differences with
22 regard to this data request; is that correct?

1 A I don't know what you mean by reasonable
2 requests (sic).

3 Q Okay. You did not have any consultation
4 with counsel, Mr. Shiffren, or the customer after you
5 made this request; is that correct?

6 A I did not have consultation with the
7 customer or Mr. Shiffren after this data request was
8 made.

9 Q Now, you did not have your counsel file a
10 motion to compel this discovery contained in this
11 data request; is that correct?

12 A I worked with the information that was
13 provided to me. I did not ask that -- and I'm not a
14 lawyer, so I'm not the person that's going to make a
15 decision to have our attorney representing us, make a
16 motion to compel.

17 Q So you did not -- you did not direct your
18 counsel to file a motion to compel, correct?

19 A I'm not an attorney, and I wasn't even
20 familiar that such a thing could be done.

21 Q Okay. So you did not direct your attorney
22 to file a motion to compel?

1 A I did not.

2 MR. MUNSON: Judge, at this time, I'd like to
3 move to strike lines 178 through 184 on page 6 of 33
4 on Exhibit 1.2 on the grounds that ComEd did not
5 comply with Commission's rules of practice regarding
6 discovery, putting this in the testimony without, you
7 know, making the efforts as provided in the rules.
8 It's not proper, and it should be struck.

9 MR. GOLDSTEIN: Judge, I highly disagree. What
10 Mr. Shiffren is recording here is simply the response
11 that was made.

12 JUDGE GILBERT: Mr. Geraghty.

13 MR. GOLDSTEIN: Mr. Geraghty. I'm sorry. And
14 that's all he's doing. It's a matter of fact, and
15 he's already described through Mr. Munson's
16 cross-examination exactly what happened and the --
17 obviously, the response to the data request speaks
18 for itself.

19 JUDGE GILBERT: Yeah. I'm going to deny the
20 motion. The material from 178 to 184 says what it
21 says.

22 Mr. Munson, I think your concern is

1 that it's incomplete, and that it doesn't present an
2 entire picture with respect to ComEd's efforts to
3 seek information.

4 And you've already elicited that
5 additional information from the cross-examination,
6 but there's nothing apparently untrue about what
7 appears in 178 and 184, so the motion is denied.

8 BY MR. MUNSON:

9 Q You would agree that the meter in question
10 is owned and maintained by ComEd with regard to the
11 meters referred to in Exhibit 1.2, correct?

12 A Meter 9 -- I will refer to them by the last
13 three numbers. Meter 966 and Meter 727 were in
14 Exhibit 1.2, referred to in Exhibit 1.2, and those
15 are meters that are owned by ComEd.

16 Q There were meters. Those don't exist
17 anymore, correct? At least at this premise?

18 A Subject to check, I'm --

19 Q They were --

20 A -- not certain whether they're still there
21 or not.

22 Q Now, ComEd has on its staff people that

1 could answer the question posed, Exhibit 1.2; is that
2 correct?

3 A Would you ask that question again.

4 Q Sure. Sure.

5 A Because I believe this was a question that
6 we sent to you.

7 Q No, I'm saying that you have on your staff
8 people that can answer that particular question. You
9 have electricians that are knowledgeable.

10 And, in fact, you own the meters, the
11 associated equipment. And you've just testified that
12 you operate and maintain that.

13 MR. GOLDSTEIN: Can I just clarify the
14 question?

15 MR. MUNSON: Sure.

16 MR. GOLDSTEIN: Mr. Munson, you understand that
17 this particular data request deals with what is on
18 the Americana Condominium Association's side of the
19 meter, not what is on the side of the meter of --
20 that's part of Comed's responsibility.

21 MR. MUNSON: I don't have that understanding.

22 MR. GOLDSTEIN: Well, that's what the question

1 states.

2 MR. MUNSON: The question speaks for itself.

3 MR. GOLDSTEIN: Yes.

4 BY MR. MUNSON:

5 Q I'm asking the witness whether he has

6 people that could answer that particular question

7 posed in this data request if it so chose; isn't that

8 true?

9 A No.

10 Q You couldn't answer that question? ComEd

11 doesn't have the expertise to answer that question,

12 correct?

13 A ComEd does not determine what the customer

14 installs on their side of the meter.

15 Q I'm not asking what they do. I'm asking,

16 could they answer that question? Could they

17 determine what equipment was connected?

18 A No.

19 Q They couldn't?

20 A No.

21 Q Because they don't have the expertise?

22 A I didn't say because they don't have the

1 expertise.

2 Q They don't know what they're doing?

3 A I said that ComEd does not determine what
4 the customer has connected on his side of the meter.

5 Q They do not? And they couldn't?

6 MR. GOLDSTEIN: Couldn't what?

7 MR. MUNSON: Determine. I will ask this again.

8 BY MR. MUNSON:

9 Q Very simply. Listen. Could -- does
10 ComEd --

11 MR. GOLDSTEIN: I object to the --

12 BY MR. MUNSON:

13 Q Does ComEd have on its staff, people that
14 could answer the question contained in Exhibit 1.2?

15 A No.

16 Q No. Okay. Would you agree that it would
17 cost money to determine this type of information
18 requested in this data request?

19 A I agree that people's time is worth money,
20 and it would take time for a customer to summarize
21 the equipment that is connected within their building
22 and provide that information back to ComEd.

1 Q Now, you are aware that an explosion and a
2 fire occurred at the customer premises on or about
3 December 25th, 1992?

4 A No, I'm not aware of that.

5 Q Okay. Did you review Mr. Rollins'
6 (phonetic) testimony filed in this proceeding?

7 A I didn't review that. And I'm not aware of
8 it based on --

9 Q Will you please pull that out for me,
10 please.

11 A I have that.

12 Q Okay. Now, look at line -- please review
13 pages 3, 4, and Exhibit 3.1. Take a moment to review
14 that. Have you had a chance to review that?

15 A Yes, I have.

16 Q So are you disputing there was a fire at
17 this facility at that time?

18 A My testimony is: When I wrote my
19 testimony, I was not aware of a fire occurring --

20 Q I'm not asking what your testimony says,
21 I'm asking of -- whether you now, as you sit here
22 today, dispute that there was at least a fire if I

1 could call it that?

2 A I have read Mr. Rollins' testimony, and I
3 have no reason to think that he's not telling what
4 happened at that time and that a fire occurred.

5 Q And you see if you look at Exhibit 3.1,
6 third paragraph --

7 A Hang on. Can I clarify with you that 3.1
8 -- Exhibit 3.1 to Mr. Rollins' testimony is a letter
9 dated January 5th, 1993 to Jean Murphy (phonetic)?

10 Q Yes, a memorandum letter, yes.

11 A Okay.

12 Q Okay. On the third paragraph, third
13 sentence -- well, starting at the third sentence,
14 Approximately, 3:00 a.m. the power to the building
15 went out.

16 At this time the building began to
17 fill with smoke which it originated from an
18 electrical vault room where our main switchboard had
19 a fault causing the power outage; you see that?

20 A Yes, I do.

21 Q Okay. And that would be consistent with
22 the information entered into the TTR on December 28,

1 1992; is that correct?

2 A He had indicated if you look at a sentence
3 at the beginning of that paragraph that on
4 December 25, 1992, this occurred.

5 And it is consistent that the TTR
6 records a notification to ComEd that occurred on
7 December 25th, 1992.

8 Q Right. And why do you think that that TTR
9 entrance was three days later?

10 A I don't know why it was three days later.

11 Q The TTR information doesn't provide all
12 information about a situation; is that correct?

13 A The TTR records the call that was made to
14 ComEd on December 25th.

15 Q Sure. But it doesn't record every piece of
16 information about a customer's account, correct?

17 A Subject to reviewing the TTR, it recorded
18 that there was a call made to ComEd regarding water
19 filling the customer vault.

20 Q Okay. Now, that fire -- as I read to you
21 from Exhibit 3.1 -- destroyed, among other things,
22 the main electric distribution panel; is that

1 correct?

2 A I don't know that other than what I see and
3 is written in Exhibit 3.1 by Mr. Rollins.

4 Q Now, the demand for Meter No. 979,
5 cumulative Meter 979 was 109.2 for the billing period
6 of November 12th, 1992 to December 12th, 1992; is
7 that correct? And I can refer you to your Exhibit
8 1.1, which is probably the easiest place to find
9 that.

10 You want the question again?

11 A The time period was what time period?

12 Q November 12th, 1992 to December 12th, 1992.
13 Demand was 109.2, correct?

14 A The demand for Meter 979 was 109.2.

15 Q Okay. And the usage and kilowatt hours for
16 that period was 56,100, right? Oh, I'm sorry. You
17 have 56,160?

18 A That is what I have in --

19 Q Okay.

20 A -- Exhibit 1.1 to my testimony.

21 Q Now, for the billing period in which the
22 fire occurred as evidenced by Mr. Rollins' testimony

1 and the TTR transcript you cite in your testimony,
2 that occurred -- the billing period was December
3 12th, 1992 to January 13th, 1993, correct? It fell
4 within that time?

5 A The TTR recorded in that time fell within
6 this bill period.

7 Q Okay. And the testimony of Mr. Rollins is
8 consistent with that, at least --

9 A Yes, it is.

10 Q -- in that time period.

11 Now, for that time period, you would
12 agree that the -- strike that. Now, you're aware,
13 Mr. Geraghty, that this facility is a natural gas
14 heated building?

15 A I believe that there was some testimony
16 that Mr. Shiffren provided to that effect.

17 Q Okay. You're aware that this building is a
18 two-pipe fan coil system for heating and air
19 conditioning?

20 A I believe that there was some testimony
21 provided by Mr. Shiffren that indicates that.

22 Q And generally speaking, a two-pipe coil

1 system for heating and air conditioning means that
2 either hot water or cold water can flow through those
3 pipes at one time, depending on whether you're
4 heating or cooling, generally, correct?

5 A It's been many years since I've worked on
6 HVAC systems, so I assume that that's generally the
7 case, but, again, exactly how a two-pipe system
8 functions, I'm not an expert on.

9 Q But it heats or cools, right?

10 A I assume their HVAC system is used for
11 heating or cooling their building.

12 Q Okay. And so you would not expect, would
13 you, Mr. Geraghty, that a chiller would be activated
14 during a December billing month?

15 A I would not expect that that would be the
16 case.

17 Q In fact that wasn't the case, was it?

18 A I do not know.

19 Q All right. Well, let's refer you to
20 Exhibit 1.1 of Mr. Shiffren's testimony, this big
21 monster here.

22 Looking across using your extensive

1 knowledge and experience, can you tell me which meter
2 housed the chiller from the data provided on this,
3 arguably, at least?

4 A I can't say for certain which meter has the
5 chiller attached to it.

6 Q Right. But you would agree with me, would
7 you not, that a cumulative meter beginning in 2, 3, 5
8 of -- do you see that? Did I make that clear or no?

9 If you go over on that -- let me try
10 it this way. You have the billing periods, and then
11 count over with me the columns 1, 2, 3, 4, 5, 6, the
12 6th column over. The top meter number is G036235;
13 C-U-M means cumulative, correct?

14 A I see that.

15 Q Okay. Now, you look at the -- and this is
16 expressed in KW, correct? The values in these cells
17 as you go down, correct?

18 A Yes, they are.

19 Q Okay. Now, for the period of May 13, 1992
20 to June whatever 1992, the demand on that meter was
21 162, right?

22 A That's what it shows.

1 Q And prior to that, it was zero in April to
2 May for that meter?

3 A April of '92 to May of '92 was shown here
4 as zero for that meter.

5 Q Okay. And 162 KW is a pretty large load,
6 right? Extrapolating from a thousand homes, that's
7 162 homes, right? It's a large load. You can agree
8 with that?

9 A I can agree that it's a large load. I
10 didn't do the math on how many homes it represents.

11 Q Sure. But if you look down, 162 down, and
12 then it ends in September to October of 135.6, it's
13 reasonable --

14 And if you look down through the years
15 that this meter shows significant demands during the
16 summer or close to the summer periods, it is
17 reasonable to assume that this is the meter that
18 houses the chiller; is that correct?

19 A It shows loads that are large in the
20 summertime and as a result of that it could be
21 associated with summer cooling. I cannot say. I
22 don't know for certain.

1 Q Right. But I mean, it's reasonable,
2 correct? That's a chiller load?

3 A I'm not familiar with the customer's
4 operations or it could be a summer pool. I have no
5 idea --

6 Q Fair enough.

7 A -- what that load is.

8 Q Now, the two-pipe system we discussed
9 previously that heats or cools, so the building's got
10 to make a decision whether they turn on the natural
11 gas boiler because it's a gas heated building, or the
12 chiller, which is electric load, correct? Depending
13 on the temperature?

14 A I already testified I'm not an expert on a
15 two-pipe system.

16 Q But that would seem reasonable, wouldn't
17 it?

18 A Again, I don't want to speculate on
19 something that I am not an expert on.

20 Q Let's get back to -- but you would --
21 expert or not, you wouldn't expect a chiller to be
22 activated during a December month?

1 A Normally, December is a cool period of time
2 in the Chicagoland area. And chillers are not
3 operated, although chillers can be operated if there
4 is water in a building that needs to be taken out.

5 Q Okay. And referring back to Exhibit 1.1,
6 for Meter 979, you would agree, would you not, that
7 the demands and usage has remained fairly constant
8 for all months identified in your Exhibit 1.1; would
9 you agree with that statement?

10 A Could you please repeat the --

11 Q Yes, I can because I misstated it.

12 JUDGE GILBERT: Let me just point out because
13 you've been moving back and forth between Geraghty
14 1.1 and Shiffren 1.1 that you --

15 MR. MUNSON: Yes. And I thank you, Judge.

16 BY MR. MUNSON:

17 Q Outside of the nine months that are blacked
18 out in your exhibit that you highlighted, I guess,
19 the demand and energy on that meter, you would agree
20 has remained fairly consistent for all the months
21 identified on your exhibit, Geraghty 1.1, correct?

22 A The meters were not the same meter

1 throughout that entire time frame that you're looking
2 at on Exhibit 1.1.

3 Q I think you misunderstood that. The demand
4 in usage has -- yeah. Okay. I see how you got that.
5 The demand in usage has remained fairly consistent
6 outside of the blocked area, you would agree?

7 A They vary somewhat, but they remained
8 somewhat consistent.

9 Q In fact it varies between roughly 66 and
10 109, 110 KW of demand during that time, correct?
11 Outside of the highlighted area on Exhibit 1.1 of
12 your testimony?

13 A I see a low demand in the October '95
14 period of 61.8, and a high demand in the January '95
15 period for 110.8.

16 Q Okay. And --

17 A Outside of the blocked area. I'm sorry.

18 Q Now, you state in your testimony that the
19 load factors are similar, correct; is that a fair
20 characterization?

21 A My testimony states that the load factors
22 are fairly similar for this period of time.

1 Q But not the loads in this blacked out
2 period, correct?

3 A I did not say the loads are the same -- the
4 loads --

5 Q Are not the same?

6 A Vary. The loads vary.

7 Q Now, you exchanged cumulative Meter 979
8 with a time of day meter on September 16th, correct?

9 A It shows that that meter was installed, a
10 time of day meter. I'll read the last three numbers
11 of that meter, 520.

12 Q Okay.

13 A On 9/16/93.

14 Q And what billing period did that fall in?

15 A Subject to check because I'm referring to
16 Mr. Shiffren's exhibit, it appears to be the 9/13/93
17 to 9/12, or 10/12/93 bill period.

18 Q And that falls outside of your blocked
19 area, correct? On Exhibit 1.1 of your highlighted
20 area? In fact that's the first month after the
21 highlighted area, correct?

22 A Yes, it is.

1 Q Okay. Now, that month --

2 MR. MUNSON: And we have a bit of a discrepancy

3 here if I may just state, counsel. And I think I

4 know the reason is because the bill is somewhat

5 illegible.

6 BY MR. MUNSON:

7 Q You did the exhibit off of the -- the bills

8 provided by Mr. Shiffren, correct? Strike that. Can

9 you review -- this is your Cross Exhibit 4. I think

10 it's 4B?

11 MR. GOLDSTEIN: Do you have 4B?

12 MR. MUNSON: Which I believe -- I'm sorry.

13 MR. GOLDSTEIN: Which time period are we

14 talking about?

15 MR. MUNSON: The 9/13/93 to 10/12/93.

16 MR. GOLDSTEIN: I believe it's 4A.

17 MR. MUNSON: Oh, is that 4A? Oh, because of

18 the bill print. Okay. It's part -- you included

19 both those. Okay. 4A. Let me look at this.

20 JUDGE GILBERT: To be clear are you talking

21 about ComEd Group Exhibit 4A that was submitted

22 yesterday?

1 MR. GOLDSTEIN: Yes.

2 MR. MUNSON: Yes.

3 JUDGE GILBERT: Okay.

4 MR. MUNSON: May I have a moment real quick

5 just to clear up a discrepancy?

6 JUDGE GILBERT: Sure. Certainly.

7 BY MR. MUNSON:

8 Q According to ComEd Group Exhibit 4A, if you

9 look at the bill, page -- of Exhibit 1, 2, 3, 4 --

10 JUDGE GILBERT: Wait. That was confusing.

11 MR. MUNSON: I'm sorry. Page 4 of Group

12 Exhibit 4A, which is service from 9/13/93 to

13 10/12/1993.

14 BY MR. MUNSON:

15 Q The demand reading for the meter -- was it

16 the -- for 979 is 1.18, correct? Which is the third

17 column from the right. Do you see that or do I need

18 to be clearer?

19 JUDGE GILBERT: I don't think that's right.

20 And I know it's very hard to see.

21 MR. MUNSON: I'm not trying to get you --

22 MR. GOLDSTEIN: Why don't we find out what

1 number he believes it is, and then we can go from
2 there.

3 MR. MUNSON: Yeah.

4 MR. GOLDSTEIN: I'm just --

5 MR. MUNSON: It is actually somewhat important.
6 It's 9 KW difference, so we might as well get it
7 correct.

8 JUDGE GILBERT: Insofar as I can even read this
9 page of the exhibit, and it's very blurred because of
10 the quality of the copy. It seems to show that meter
11 -- I think it's 250979 has a zero demand, not a 1.18.

12 MR. MUNSON: The demand reading, the third
13 column from the right?

14 JUDGE GILBERT: Yeah. Here, follow it as I
15 have it here in the case.

16 MR. MUNSON: Well, what's the 520? It's the
17 new meter, right? Yeah, it's a 520, the next line
18 down.

19 THE WITNESS: It appears to have a demand of
20 79.8.

21 BY MR. MUNSON:

22 Q But what is the demand reading? Can you

1 make that out?

2 A Meter 25 -- or 520, it would appear to be
3 1.18.

4 Q Okay. And if you multiply 1.18 times the
5 multiplier of 60, what do you come up with?

6 A 70.8.

7 Q Yeah. Okay. Shifting to Mr. Shiffren's
8 Exhibit 1.1 from the period 9/13/1993 to 10/12/1993,
9 you see that?

10 A Yes.

11 Q And you look over on this meter, and it has
12 70.8?

13 A For Meter 520, it shows 70.8.

14 Q And then if you look, what is the total
15 bill peak demand in terms of KW for that billing
16 period?

17 A If I'm reading correctly, 184.0.

18 Q Does ComEd install time of day meters for
19 customers who take service on time of day rates?

20 A Time of day meters are installed for
21 customers that are on time of day rates.

22 Q Does ComEd have any customers on time of

1 day without time of day meters?

2 A I don't know the answer to that question.

3 Q Who owns the meters?

4 A ComEd owns the meters.

5 Q Who owns the associated metering equipment
6 such as current transformers?

7 A ComEd has current transformers that are
8 utilized for switches that are large enough to
9 require a reduction in the amount of current flowing
10 through the meter. So ComEd would own a current
11 transformer that's associated with that type of a
12 meter.

13 Q And who installs the meters and associated
14 equipment?

15 A I'm not in the department that installs
16 meters, but my understanding of the meters, the meter
17 itself is installed by ComEd. The customer installs
18 the current transformers.

19 Q Now, the customer installs the ComEd-owned
20 current transformers; is that your testimony?

21 A That's my understanding of -- although I'm
22 not in that department. That's my understanding of

1 how it's done.

2 Q And who reads the meters?

3 A ComEd reads ComEd-owned meters.

4 Q Okay. ComEd bills for the usage associated
5 with the meters?

6 A ComEd bills for customer usage on
7 ComEd-owned meters.

8 Q And how is ComEd compensated for its
9 metering costs, metering and associated equipment
10 costs?

11 A ComEd tariffs include costs associated with
12 recovery of our investment in our equipment such as
13 meters.

14 Q Okay. Let me ask you a hypothetical.
15 Customers are not billed on the correct rate. We're
16 billed on a more expensive rate. Would the revenues
17 and the revenue requirement -- Comed's requirement be
18 understated?

19 A I'm not an expert on Comed's revenue
20 requirement, and uncertain whether or not it would be
21 understated.

22 Q Okay. Let's look at your Exhibit 1.1

1 again, Geraghty Exhibit 1.1.

2 JUDGE GILBERT: Before he does that, five
3 minute break.

4 (Whereupon, a recess was taken.)

5 JUDGE GILBERT: Back on the record. Go ahead,
6 Mr. Munson.

7 MR. MUNSON: Thank you, Judge.

8 BY MR. MUNSON:

9 Q Your Geraghty Exhibit 1.1, the demands that
10 you listed on that exhibit from May 13th, 1993 to
11 August 12th, 1993 each equal 243.6 KW, correct?

12 A Those are the demands that are shown on the
13 exhibit.

14 Q Okay.

15 JUDGE GILBERT: Let me make a suggestion just
16 in the interest of time. When something is there, I
17 don't think we need to make him say yes, it's there.

18 I think -- and if, in fact, he
19 disputes that, then I'll get on him, but I think if
20 you just say for example, look you've got three
21 identical months, and ask your question.

22 MR. MUNSON: Okay.

1 JUDGE GILBERT: All right.

2 BY MR. MUNSON:

3 Q Those were estimates; is that correct?

4 A I'm not the billing expert that reviewed
5 the estimates that you refer to, and those estimates,
6 Ms. Miller reviewed the bills themselves for that
7 particular --

8 Q But it is your understanding that if they
9 were estimates that the bills would show that,
10 correct?

11 A I'm not that familiar with the
12 requirements, but I do see on here quite a few of
13 these bills that they do show that there was a meter
14 estimated or the bill was shown as an estimated bill.

15 Q Would you agree that it is unusual to
16 achieve the exact same demands for a three-month
17 period?

18 A I don't know how the customer uses the
19 energy, and the demands at this location. I look at
20 the other demands that are listed on this exhibit and
21 see that they're not all exactly the same. That they
22 do vary.

1 Q You would agree, Mr. Geraghty, that ComEd
2 made multiple errors on the Americana account during
3 this roughly 7-year period; is that correct?

4 A In my testimony, I have indicated that
5 there were some billing issues that were brought to
6 ComEd's attention. And ComEd did work with the
7 customer to resolve those billing issues.

8 Q And for example ComEd refunded to Americana
9 the difference between billing all the kilowatt hours
10 on peak charges to a split between on and off peak
11 due to the customer not having timely meters?

12 A I don't know what it was due to, but I do
13 see that there was a -- based on the bill prints that
14 were presented back to ComEd by the customer and
15 Mr. Shiffren, that there was a recalculation of the
16 energy during certain bill periods to divide the
17 usage between peak period and off peak period by the
18 energy usage.

19 Q It is not your understanding or is it your
20 understanding -- strike that. Let me rephrase it.

21 Is it your understanding that
22 Americana is claiming that on/off peak differential

1 split on that meter in this case?

2 A My understanding is that Americana is
3 disputing these bills that were submitted and is
4 claiming that ComEd owes them a refund for the energy
5 and demand usage stated on these bills.

6 Q That's right. But we're not -- Americana
7 is not claiming a refund between -- for the
8 difference between being charged peak only versus a
9 split between the on and off peak due to the time of
10 day metering issue on Meter No. 979; is that correct?

11 A When I read Mr. Shiffren's testimony, the
12 rebuttal testimony in this case, he indicates that
13 that is not what Americana is requesting.

14 Although, when ComEd does do bill
15 settlements with customers, it does settle the entire
16 bill.

17 MR. MUNSON: Move to strike. That was not
18 responsive?

19 JUDGE GILBERT: Overruled. If you want to ask
20 him additional questions. Go ahead.

21 BY MR. MUNSON:

22 Q In any event, ComEd made an error and

1 corrected the error; would you agree with that?

2 A ComEd did not make an error in billing the
3 account on the bills in the summer of 1993 on
4 on-peak. The tariff does provide for the billing of
5 meters that are not registering the time of day that
6 the usage was occurring all on the on peak rate.

7 ComEd settled that dispute with the
8 customer at a later date by doing a split of that
9 energy between peak and off peak periods.

10 Q ComEd also made a mistake by billing
11 Americana for a demand of 738 KW in October of 1996;
12 is that correct?

13 A There was a bill issued in 1996. I'm
14 thinking it was the November 1996 bill that had a
15 high demand on a meter and ComEd did work with the
16 customer to reissue that bill and correct that
17 particular billing issue.

18 Q Right. ComEd rectified the error by a
19 credit, right?

20 A There was a re-issuance of the bill and a
21 credit appeared on the following bill.

22 Q And it's your understanding that this issue

1 is no longer claimed by my client, correct?

2 A My understanding from reading
3 Mr. Shiffren's rebuttal testimony is that he has
4 agreed with Comed's review of that issue, which I had
5 testified to the effect showing that the IBS
6 transcript showed that the bill was reissued and that
7 the amount was corrected.

8 Q On lines 681 through 682 of your testimony,
9 you state that the corrected November 1996 billing
10 period occurred as a credit over the December 1996
11 billing statement.

12 Would you agree that the credit ComEd
13 provided for its own error resulted in a credit that
14 exceeded the costs of the December 1996 bill?

15 A I indicate on line -- starting from 683
16 that this credit exceeded the amount of the
17 December 1996 bill and carried over to the
18 January 1997 bill.

19 Q So Americana would not have owed any money
20 to ComEd for the December 1996 bill, correct?

21 A They would not have owed any money assuming
22 that they did pay the November of 1996 bill that was

1 issued at too high of a rate.

2 Q You would agree that it's reasonable that
3 the December 1996 missing bill was not filed in the
4 bills waiting to be paid file or accounts payable,
5 and was, therefore, not retained by my client because
6 there was nothing due for that month?

7 MR. GOLDSTEIN: I'm going to object to the
8 question. It calls for extreme speculation on the
9 part of the witness.

10 JUDGE GILBERT: Mr. Munson.

11 MR. MUNSON: I'll restate.

12 BY MR. MUNSON:

13 Q Is it a reasonable assumption that the bill
14 wasn't retained, and then was subsequently provided
15 to ComEd because there was nothing due on that bill?

16 MR. GOLDSTEIN: Same objection.

17 JUDGE GILBERT: No, he can answer it.

18 THE WITNESS: I'm not the customer retaining
19 bills. I don't know whether a reasonable assumption
20 would be under those circumstances.

21 BY MR. MUNSON:

22 Q Now, you also agree that ComEd made a

1 billing error on the bill for the period June 13th,
2 1994 to 7/13/94. That's a 100 KW issue, line 412 of
3 your testimony, correct?

4 A On line 412 there's actually a question
5 regarding Meter 966 for the billing period of June of
6 '94 through July of '94.

7 And in the lines 414 and 15, I
8 indicate that it appears that the meter was read full
9 scale and resulted in a billing demand for
10 100 kilowatts and should have been zero kilowatts.

11 JUDGE GILBERT: Let me interject. What do you
12 mean by "full scale" there?

13 THE WITNESS: When you look at a meter dial, it
14 has the values there where a reader can read it as
15 either a --

16 Let's say for instance, it's between
17 the 6 and the 7, and he moves the dial forward to the
18 7, when it should have been at the 6.

19 And a full scale read would add load
20 to the dial that should not have been there.

21 BY MR. MUNSON:

22 Q So regardless whether this was credited or

1 not, you agree that ComEd made a billing error on
2 this account by billing an inappropriate demand of
3 100 KW?

4 A I would -- looking in my review of the
5 bills that were provided to me and this meter being
6 zero for many months, I would agree that this meter
7 had usage billed on it that was read in error.

8 Q So it's clear that ComEd made at least some
9 billing errors for the 36 months in question,
10 correct?

11 A In my testimony I have indicated that there
12 have been some billing errors that ComEd had
13 corrected for the customer.

14 Q Let's look at page 29 of 33 in Exhibit 1.5.
15 First of all, what is an account
16 activity statement? You listed it in line 723,
17 middle of the page just for your reference.

18 A Exhibit 1.15 (sic) is an account activity
19 statement; is that what you're referring to?

20 Q Yeah. Could you just -- what is an account
21 activity statement?

22 A The account activity statement is Comed's

1 current billing system, which is referred to as CIMS,
2 maintains an account activity statement of billing
3 information.

4 Q Now, look at line 639 of your testimony,
5 please, which is on page 25. The question beginning
6 on line 639 and continuing.

7 Now, while the ICC does not require
8 ComEd to retain account activity information, you
9 have significant information that the customer is not
10 privy to; is that correct?

11 A I'm not certain what customer information
12 you're referring to.

13 Q Well, customers don't have access to your
14 IBS transcripts, correct?

15 A I'm not in the billing department, but I do
16 believe that a customer can call and request a
17 transcript if they so desire.

18 Q Customers do not have access to your
19 account activity statements contained in Exhibit 1.5;
20 is that correct?

21 A I'm not in the billing department, but I do
22 believe a customer can call and request a copy of the

1 customer account activity statement.

2 Q Can customers call and get access to
3 Comed's TTRs?

4 A ComEd no longer uses a TTR from the CIMS
5 billing system since we no longer have our CIMS
6 billing system on -- I sorry. Our CIS billing system
7 in place.

8 The TTR was associated with Comed's
9 CIS billing system at which time has been retired.

10 Q But you still have access to that
11 information contained on the TTRs?

12 A ComEd was able to locate this information
13 of the TTR, correct.

14 Q Okay. And customers do not have access to
15 that? Generally, do not have access to the TTRs?

16 A That, I don't know.

17 Q Now, you repeatedly stated that
18 Mr. Shiffren is not provided all the bills, yet ComEd
19 has a significant amount of resources available to
20 reconstruct the bills, such as bill prints, account
21 activity statements, TTRs; is that correct?

22 A No, it's not. I have not recreated any

1 bills.

2 Q All right. ComEd is responsible for
3 billing the customer?

4 A ComEd does bill the customer on a monthly
5 basis for usage that the customer has registered on
6 their meters.

7 Q The only information available to customers
8 in regard to the electric service and data provided
9 by ComEd is the customer bills provided from ComEd;
10 isn't that correct?

11 A As I stated earlier, I'm not in the billing
12 department, and not certain, but I believe the
13 customer has access to a transcript of the customer
14 account activity statement. That would be additional
15 information regarding his usage, bills and payments.

16 Q Customers can't go read the ComEd meters?

17 A Customers can obtain information from the
18 ComEd meters if they choose. If they want to read
19 the meter, they can do that also.

20 Q Now, on line 728 to 730 of your testimony,
21 you state, Americana would have discussed this with a
22 -- sorry. It states if Americana would have

1 discussed any disputed bills with ComEd at the time,
2 ComEd would have worked with Americana to get the
3 account current. Were you present when this
4 discussion occurred?

5 A No, I was not working on this account at
6 the time.

7 Q So this is speculation on your part, this
8 statement?

9 A This is based on my review of the bill
10 statements where it shows that there was an
11 outstanding balance for the amount that was owed to
12 ComEd. And that outstanding balance continued for
13 quite a few months.

14 And in my work with ComEd, ComEd only
15 allows a customer to go so many months with an
16 outstanding balance before cut off notices are issued
17 and cut off of electricity occurs.

18 So my statement is based on my
19 experience at ComEd knowing that a customer who is
20 working with ComEd on a disputed bill would not be
21 cut off.

22 And that the customer would be --

1 ComEd would work with the customer to resolve the
2 disputed bills.

3 Q You did not have any contact with Americana
4 whatsoever between 1991 and 1999, correct?

5 A No, I did not.

6 Q And you did go there and inspect their
7 mechanical equipment?

8 A No, I did not.

9 Q You have no personal knowledge of any
10 discussions between Americana and ComEd for the
11 disputed time period, correct?

12 A I have no personal knowledge of any
13 discussions that occurred with the customer and
14 ComEd. I have a review of the bills.

15 MR. MUNSON: Move to strike. He answered the
16 question.

17 MR. GOLDSTEIN: He's allowed to expand on it
18 once he's answered the question and --

19 MR. MUNSON: That's not what I asked him. I
20 asked him if he had personal knowledge. You're not
21 allowed to rehabilitate him and redirect.

22 JUDGE GILBERT: It's overruled.

1 BY MR. MUNSON:

2 Q So you had no personal dealings with this
3 account prior to Mr. Shiffren's involvement?

4 A My personal involvement --

5 Q To your knowledge. To your knowledge?

6 A My personal involvement with this account
7 was when I was given information from Mr. Shiffren
8 regarding his complaints.

9 Q Back to Geraghty Exhibit 1.1, if you look
10 at the period of -- oops. Excuse me.

11 Mr. Shiffren's Exhibit 1.1 because you
12 didn't -- you only went to 1995. I'm looking at the
13 bill period 6/10 '99 through 7/12/1999. And that's
14 the last row before the notes; do you see that?

15 A Yes, I do.

16 Q And you understand that that's a disputed
17 month by Americana. And you see the -- can you
18 perform a load factor analysis for that month for me,
19 please.

20 And to do so, you take --

21 MR. GOLDSTEIN: I assume you're going to want
22 the witness to do a load factor analysis for -- I'm

1 losing it.

2 MR. MUNSON: 6/10/99 to --

3 MR. GOLDSTEIN: For the 658 meter?

4 MR. MUNSON: Actually, for the total peak
5 demand, total peak demand, please.

6 MR. GOLDSTEIN: You want it for all the meters;
7 is that what you're saying?

8 MR. MUNSON: Please.

9 MR. GOLDSTEIN: Okay.

10 MR. MUNSON: And it's the --

11 THE WITNESS: Subject to check, I have 98.8
12 percent load factor.

13 BY MR. MUNSON:

14 Q All right.

15 A But also recognize that I was informed
16 through the information provided and Mr. Shiffren's
17 testimony that this was later adjusted, this
18 particular bill period.

19 Q But the load factor is roughly 99 percent,
20 right? I mean, 98.9 -- or what did you say? 98.8
21 percent.

22 Now, am I correct in my statement that

1 their total peak demand for that billing month was
2 443.9. And having a close to 100 percent load
3 factor, they would have to be operating at that peak
4 100 percent of the time through the month?

5 A Yes, they would.

6 Q Okay. And this is a -- never mind.

7 Do you happen to know what a -- what
8 the class load profile is for this size customer?

9 A No, I don't. And I'm assuming what you
10 mean by class load profile is the low profile for all
11 of Comed's customers that come into this class?

12 Q Correct.

13 A Okay.

14 Q But you couldn't expect that load factor to
15 be 99 percent, would you?

16 A I don't expect that that would be 99
17 percent.

18 Q And this is a condo building we're talking
19 about -- strike that. Sorry. Let's see.

20 MR. MUNSON: May I have a second, Judge, just
21 to make sure?

22 JUDGE GILBERT: (Nodding.)

1 MR. MUNSON: Just one final set of questions,
2 Judge, if you don't mind.

3 JUDGE GILBERT: All right.

4 BY MR. MUNSON:

5 Q Mr. Shiffren's -- please refer to
6 Mr. Shiffren's Exhibit 1.1. And the total peak
7 demand column, you see three columns from the right
8 and for the period of 11/12/92 to December 12th,
9 1992, there was a total peak demand of 208 KW.

10 And then the October 12th, '93 to
11 11 -- November 10th, '93, the total peak demand was
12 184, at least according to this exhibit, correct?

13 A I don't believe that's the case. I think
14 it's September to October is 184 if I'm reading it
15 correctly.

16 Q Yeah, I'm sorry. I must have misstated it.
17 It is what it is, but it's 184 for -- I'm sorry. You
18 are right. September to October.

19 And that, essentially, bookmarks the
20 dispute, correct? Or it's one of the main -- or the
21 main dispute in this case?

22 MR. GOLDSTEIN: I don't understand the

1 question. I don't want the witness -- could you
2 rephrase the question, counsel.

3 MR. MUNSON: Sure. Sure.

4 JUDGE GILBERT: Let me just ask in the interest
5 of time. Does it really matter what he says to this?

6 MR. MUNSON: I'm going to try to get to the
7 ultimate question. I'm trying to get him to -- but
8 apparently not.

9 JUDGE GILBERT: If he says yes, he bookmarks
10 it. No, it doesn't bookmark it, assuming you know
11 you need to lay a foundation --

12 MR. GOLDSTEIN: It's a foundation.

13 JUDGE GILBERT: -- assuming you know what book
14 marking means. Just go.

15 MR. GOLDSTEIN: If he asks the ultimate
16 question, and I won't object to the foundation.

17 MR. MUNSON: Okay.

18 BY MR. MUNSON:

19 Q What accounted for this load?

20 A I don't know what accounted for this load.
21 The customer's usage at the facility was registered
22 on these meters that were in place and ComEd billed

1 those meters.

2 MR. MUNSON: That was easy. Nothing further.

3 JUDGE GILBERT: Actually, because I'm going to
4 follow up with a few questions anyway, which I'm
5 going to do before we break, so that you can have the
6 benefit of that, if we can call it a benefit during
7 the lunch break.

8 CROSS-EXAMINATION

9 BY

10 JUDGE GILBERT:

11 Q Mr. Geraghty, following up really on
12 Mr. Munson's last question, I noticed that the other
13 meters in place at the time during -- I'm going to
14 start that question over so it's clear.

15 The period of time on Mr. Shiffren's
16 Exhibit 1.1 that is highlighted between 12/12/92 and
17 ending 9/13/93 shows an unusually high peak. An
18 unusually high consumption only on Meter 979.

19 The other meters don't seem to
20 fluctuate from their historical performance. And
21 then we see that Meter 979 is replaced in September
22 of '93, and then the subsequent meter registers usage

1 that is consistent with the historical performance
2 prior to 12/12/92.

3 So one could certainly draw the
4 inference. I'm not saying that you must or will, but
5 one could draw the inference that something has
6 occurred with respect to a single meter only during
7 that time period.

8 And so when you speak of activity at
9 the customer's premise that would produce this
10 abnormal reading -- and by abnormal I mean with
11 respect to historical usage and subsequent usage --
12 that activity at the customer's premises would have
13 affected only those energy using devices and systems
14 that are connected to Meter 979, correct? And
15 wouldn't you infer that as well?

16 A That would be correct.

17 Q Okay. I'll just leave it at that. Okay.
18 I just have a few things. We all say that. Don't
19 we? I hope I just have a few things.

20 One is just a housekeeping matter with
21 respect to your exhibit appearing on page 4.

22 MR. MUNSON: The witness' exhibit or the cross

1 exhibit?

2 MR. GOLDSTEIN: What are we looking at?

3 JUDGE GILBERT: I sorry. Mr. Geraghty's

4 testimony, Exhibit 1.0, page 4, line 135.

5 BY JUDGE GILBERT:

6 Q If you look at the date range there on line

7 135, I think you meant to say 12/12/92 rather than

8 '93; would that be correct?

9 A Yes, that would be correct.

10 Q Okay. So why don't we amend it to reflect

11 that.

12 JUDGE GILBERT: Everyone is in agreement with

13 that, I assume?

14 MR. GOLDSTEIN: Right.

15 MR. MUNSON: I'm sorry. Of what?

16 THE WITNESS: Page 4.

17 JUDGE GILBERT: The rebuttal, line 135.

18 MR. MUNSON: For some reason I didn't see it.

19 MR. GOLDSTEIN: It's Exhibit 1.0.

20 MR. MUNSON: Okay.

21 JUDGE GILBERT: So we're just repairing what

22 was obviously a typographical error.

1 MR. GOLDSTEIN: Thank you, Judge.

2 JUDGE GILBERT: Sure.

3 BY JUDGE GILBERT:

4 Q All right. If you look at line 170 of your
5 testimony. And this has to do with the event that
6 occurred at the building. I know you said that you
7 weren't there. And you don't know directly if it was
8 a fire at the building.

9 I don't suppose that matters, but you
10 did choose to mention that there was electrical work
11 done at the building in December of '92. Why did you
12 choose to mention that? What inference would you
13 like the Commission to draw from that fact?

14 A Well, when I reviewed the information that
15 was presented from these bills by Mr. Shiffren, the
16 meter was running higher than what it had before.

17 And then it was lower after this
18 period. And the inference that I was concluding when
19 I reviewed the TTR and saw these entries, that an
20 electrician was there in December, and then again in
21 August which coincided with this time frame here that
22 these bills were high.

1 Would that tell me that something was
2 happening with regard to their condo association?
3 And that there may have been something that caused --
4 the electrician was working on, whatever -- caused
5 this particular situation to occur.

6 Q Are you inferring or raising the
7 possibility that the electrician worked on or did
8 anything to Meter 979?

9 A He may have. I don't know. I was not
10 given information about what the electrician did and
11 could not come to any conclusion as to exactly what
12 was done by the electrician other than the
13 information provided in Mr. Rollins' testimony.

14 And some of the additional information
15 provided just a week ago by Mr. Munson in a data
16 request, was that there was a fire and that the
17 electricians came in to restore the building.

18 And then had damaged equipment that
19 needed to be replaced.

20 Q And your understanding is that the
21 electrician you're referring to there in your
22 testimony is Gurtz, which is G-u-r-t-z; is that

1 correct?

2 A That was the name that was in the TTR.

3 Q Okay. And when -- and so when you refer to
4 the electrical work done at the building on line 170
5 to 171, you're referring to Gurtz because that's the
6 information you have, correct?

7 A It didn't say in the entry for the December
8 period that it was Gurtz who came to the building in
9 December of '92, but it did say in the entry that was
10 made in August '93 that it was Gurtz who was asking
11 ComEd to take some of the panels out of service while
12 they left some panels in service.

13 Q Okay. Well, whether it was Gurtz in
14 December of '92 or some other electrician, let's
15 assume it was not a ComEd electrician.

16 It was not an employee or agent of
17 ComEd. Would that person have access to the meter
18 and the ability to tamper with or work on the meter
19 in any way?

20 A The meters are available in the space
21 that's provided by the customer and certainly an
22 electrician would have access to the meter.

1 The electricians -- the meter itself
2 is a separate cabinet versus where the current
3 transformers are located. And the current
4 transformers are used to serve that meter.

5 So the current transformers are in a
6 locked cabinet and the electrician should not be
7 going into that locked cabinet without Comed's
8 authorization.

9 Q And what -- when you chose to refer to that
10 electrical work being done in the building during the
11 period in question whether it's December of '92 or
12 whether it's at any time through, I think you note,
13 August of '93, you're offering the possibility of
14 what might explain the additional consumption, but
15 you really don't know, do you?

16 A I didn't know. And I didn't even know that
17 there was a fire. What I was offering when I wrote
18 this was that there was an electrician there at the
19 time that this usage was high.

20 And there was an electrician there
21 again at the time that this usage all of a sudden was
22 back lower than what we saw during this 9-month

1 period.

2 I didn't know that there was a fire.
3 And later learned that through documents that were
4 provided a week ago.

5 The customer's panels comes after all
6 this metering equipment, and so the electrician can
7 work on the customer's panel without affecting
8 Comed's metering equipment.

9 Q Right. So an electrician who did not --
10 let me ask that differently.

11 In your judgment, would it be proper
12 for an electrician who is not an employee or agent of
13 ComEd to do anything with the meter?

14 A The electrician who is not an employee of
15 ComEd should not do anything with the meter.

16 Q Okay. So if Gurtz or whoever it might have
17 been were acting properly on the premises, they would
18 have worked on the customer's side of the meter and
19 not meddled with the meter itself?

20 A That's correct.

21 Q Yes. If you look at page 17. And in
22 particular the sentence that begins on line 40 -- I'm

1 sorry. 444, and carries through line 447.

2 A Okay.

3 Q All right. On line 446, you're asserting
4 there that the missing bills would -- and I'm
5 emphasizing that word -- would show that a credit was
6 applied.

7 That it was a degree of certainty that
8 seemed a bit greater than what you had said at other
9 times throughout your testimony.

10 Do you literally mean would show or
11 would likely show or something less certain than
12 would show?

13 A Let me review. So I'm clear at which --

14 MR. GOLDSTEIN: I believe this line of
15 questioning in Mr. Geraghty's rebuttal refers back to
16 a question that was originally asked on page 16 at
17 around line 12 -- 412. I'm sorry.

18 JUDGE GILBERT: Okay. Well, I see,
19 Mr. Goldstein, what you're going to, I think is my
20 point. Where it goes to the reason for my inquiry.

21 On line 423, the question that is
22 posed to Mr. Geraghty is quote, Why do you believe an

1 adjustment to the bill statement may have been made,
2 end quote. And now cut to line 446.

3 MR. GOLDSTEIN: Exactly.

4 JUDGE GILBERT: Line 446, and there's a greater
5 degree of certainty, and I'm just inquiring as to why
6 that is.

7 MR. GOLDSTEIN: And I just want to make sure
8 that he reads the entire context of --

9 JUDGE GILBERT: Sure.

10 THE WITNESS: I think the way I answered this
11 was when I have billed transcripts -- IBS billed
12 transcripts that they do show that an adjustment, a
13 bill adjustment was done for those periods where a
14 claim was made on a particular billing issue.

15 In the case that we have here, ComEd
16 did not have billing -- IBS billing transcripts in
17 the years 1993 or 1994 that it could review for this
18 particular billing issue.

19 And when I wrote this, I felt that if
20 I had a bill statement for the period that was
21 missing that it would show that an adjustment was
22 worked on that bill and credit would have appeared on

1 that bill.

2 Q Okay. I think I see the distinction. And
3 it seems to me to be important, but maybe it's not.
4 Maybe it's just my over emphasis on words, but it
5 seems to me what you're saying there is if a credit
6 indeed were granted to Americana, if that occurred,
7 it would appear on the bill?

8 A Yes, that would have appeared on that bill
9 that is missing.

10 Q But you're not asserting there with
11 certainty that a credit did appear on that bill.
12 You're saying that if a credit had been issued, it
13 then would have appeared?

14 A That's correct.

15 Q Okay. Page 22, I'll just ask for a
16 clarification on line 561. You see the word "both"
17 there on line 561?

18 A Yes, I do.

19 Q Did you mean that or was that maybe from
20 something you were saying earlier and then it wound
21 up not getting deleted?

22 A I think it should be "the". When I read it

1 it should say the billing was corrected by issuing a
2 corrected bill for the 6/12/95 to 12/12/95 billing
3 period.

4 Q Okay. Why don't we amend it then to
5 reflect that. Thank you. All right.

6 And I think my last question is on
7 page 25. Okay. In the paragraph that begins there
8 on line 622, you're talking about Meter 458?

9 A Correct.

10 Q And then when you come down to line 627,
11 you say that the September '95 bill shows a previous
12 credit on the face of the bill for an amount there
13 which you say may have been the result of an
14 adjustment addressing the addition and subtraction of
15 that Meter 458 to the account.

16 And I just want to make sure because I
17 think I know the answer to my question, but I want to
18 make sure. In Mr. Sherer's (phonetic) testimony on
19 page 4 leading onto page 5?

20 MR. MUNSON: You have it. Oh, I'm sorry.

21 BY JUDGE GILBERT:

22 Q All right. And I'll paraphrase what he

1 said just in the interest of time. I think he is
2 there defending the accuracy and capacity of that
3 meter, maybe more the capacity than the accuracy.

4 And so the question I had when I read
5 your testimony was if that Meter 5 -- I'm sorry --
6 458 were operating correctly and within its capacity
7 range, why would there have been any adjustment?
8 What would have caused the need for an adjustment?

9 A Well, I think that I state earlier that
10 this meter was added to the account and then later
11 taken off the account and then added back on.

12 And I think that if there was an
13 adjustment made, it was to deal with the issue of
14 this meter being initially set on the account in May
15 of 1995, but then later shown on the bill statement
16 again as being set on the account in August of '95
17 and having the usage that was billed on that meter
18 then added to this bill and the adjustment was made
19 on that bill. Go to line 598.

20 Q Okay.

21 A So it reappeared on the September '95 bill
22 as being set on the account on 8/10. And so my

1 statement regarding any adjustment that was done was
2 because this meter was set. It was removed from the
3 billing. And then it was set again on the billing in
4 8/10/95.

5 Q Okay. Now, I see what you're driving at
6 with that statement, but that prompted another
7 question, I guess.

8 Mr. Shiffren's 1.1 shows that Meter
9 458 was installed 5/11/95 and again installed 8/10/95
10 and replaced by Meter 081 on 3/31/97.

11 So what does it mean to set and reset?
12 I mean, wasn't 458 always there? Was it literally
13 physically removed or does set and reset mean
14 something else?

15 A The way I envision because I was not there
16 working on this account, but when I say set and then
17 removed what I'm referring to is the meter appearing
18 on the bill statements, so that the usage on the
19 meter could be billed.

20 My view is that the meter was never
21 removed physically from its meter socket. It
22 continued to remain there during that period of time,

1 but it was then reset by being put back on the bill
2 statement as of August 10th.

3 Q Okay. And would that mean whatever energy
4 consuming items and systems were associated with
5 Meter 458 were for some period of time not being
6 accounted for through metering?

7 A That may be the case that they weren't
8 being accounted for during some period of time that
9 they were not being shown on these interim bills.

10 Is that what you mean by that issue --

11 Q Yes.

12 A -- where these bills did not have this
13 meter. Some of the interim bills did not have this
14 meter appearing on the bill, so it was not being
15 billed during those periods.

16 Q And then you went back and adjusted that or
17 no?

18 A I can't say for certain what was actually
19 adjusted, but it appeared to me when I reviewed bill
20 statements that the meter was reset on the account
21 and that an adjustment was done to account for the
22 setting and resetting of this meter.

1 Q Okay. And well -- I'm sorry. I'm in the
2 wrong time period, never mind. No, I'm not. I'm in
3 the correct place. All right.

4 Mr. Shiffren's 1.1 shows -- or
5 purports to show that demand during 8/10/95 to
6 9/11/95 was unusually large. And he shows that there
7 was an estimated billing. And I assume an estimated
8 demand; is that your understanding of it? That was
9 an estimate?

10 A He shows an "E" to the meter that we were
11 referring to 458 --

12 Q Right?

13 A -- which I have not reviewed the bill
14 itself to see if there is an "E" next to that. But
15 the concept that this meter was not on the previous
16 bill may well have prompted an estimate to be placed
17 next to that meter when it was put on this bill.

18 Q Then referring to line 628 of your
19 testimony, would the adjustment that you're referring
20 to there have been an adjustment based on an
21 estimate?

22 A And I indicate here that I'm not certain

1 exactly what the adjustment would have done, but that
2 there was an adjustment noted on the following bill.
3 And how that was resolved with regard to this meter,
4 I don't have a certainty as to exactly what was done.

5 I don't have a payment transcript to
6 be able to further decipher what was actually
7 occurring right there.

8 Q Okay. So it may or may not have been based
9 on an adjustment. You just don't have enough
10 information in order to determine that?

11 A Exactly.

12 JUDGE GILBERT: Okay. All right. That's all I
13 have. And the time of day is?

14 MR. GOLDSTEIN: 1:25.

15 THE COURT: Well, it's just like yesterday.

16 Let's come back at 2:30. That's it.

17 (Whereupon, a recess was taken.)

18 JUDGE GILBERT: All right. Back on the record
19 for our afternoon session. And for what would be the
20 final section of the evidentiary portion of the case
21 at least with respect to the witnesses whose
22 testimony are already on file.

1 Mr. Geraghty, you have been the
2 subject of cross-examination by Mr. Munson. And I
3 asked some questions. And now we turn to the
4 redirect examination by ComEd, if any.

5 MR. GOLDSTEIN: I just have a few questions,
6 Judge.

7 REDIRECT EXAMINATION

8 BY

9 MR. GOLDSTEIN:

10 Q Mr. Geraghty, let's look again at your
11 Exhibit 1.1. And as you recall, there were many
12 questions asked of you with respect to this
13 particular exhibit; do you recall those questions?

14 A Yes, I do.

15 Q And at the top of Exhibit 1.1, there's
16 shown meter number installment date and meter type,
17 why was there only one point of service demonstrated
18 on this particular exhibit?

19 A This particular exhibit was looking at the
20 point of service that the metered demand and energies
21 both were higher than they had been in the previous
22 periods to this shaded area and also the periods or

1 after the shaded area, the bill periods.

2 Q And what was demonstrated or what was the
3 purpose of this particular Exhibit 1.1?

4 A My purpose for doing Exhibit 1.1 was to do
5 the load factor calculation that would demonstrate
6 that the customer's demand and energy usage were both
7 in line during the periods -- the billing periods
8 that occurred prior to the shaded area, which is the
9 December '92 through September of '93 and that load
10 factor in that period was similar to what it was
11 prior to them and also similar to what it was after
12 that 9-month period.

13 Q All right. And finally, Mr. Geraghty, if a
14 customer wanted information about his/her or its
15 account and requested that type of -- whatever the
16 type of information it is on the account from ComEd,
17 would ComEd provide it?

18 A My understanding is ComEd would provide
19 billing information on an account if a customer were
20 to request that information.

21 Q And would that be applicable both today and
22 in the 1990s?

1 A I believe that was applicable both today
2 and in the 1990s.

3 MR. GOLDSTEIN: Nothing else.

4 JUDGE GILBERT: Okay. Mr. Munson, is there any
5 re-cross within the scope of that redirect?

6 RECROSS-EXAMINATION

7 BY

8 MR. MUNSON:

9 Q Did you provide billing information on this
10 account to Americana?

11 A I am not in the billing department, so I do
12 not have an answer as to whether or not this
13 information was requested by Americana.

14 I did not provide information
15 specifically to Americana with regard to their bills.

16 MR. MUNSON: Nothing further.

17 Judge, except I'd like to move for
18 admission into evidence Americana Cross Exhibits 7A
19 and 7B.

20 JUDGE GILBERT: Is there objection?

21 MR. GOLDSTEIN: No objection, Judge.

22 JUDGE GILBERT: Okay. Americana Cross Exhibit

1 7 which consists of two parts, A and B are admitted.

2 (Whereupon, Americana Cross
3 Exhibit No. 7 A & B were
4 admitted into evidence.)

5 JUDGE GILBERT: Okay. We're back on.

6 (Witness sworn.)

7 **WOODSON W. SCHERER,**

8 called as a witness herein, having been first duly
9 sworn, was examined and testified as follows:

10 DIRECT EXAMINATION

11 BY

12 MR. GOLDSTEIN:

13 Q Mr. Scherer, would you state your full name
14 and spell your last name for the record.

15 A My name is Woodson W. Scherer,
16 S-c-h-e-r-e-r. My address is 1919 Swift Road at
17 Commonwealth Edison in Oakbrook, Illinois.

18 Q And what position do you currently hold
19 with Commonwealth Edison?

20 A I'm a manager of field and meter services.

21

22

1 (Whereupon, ComEd Exhibits Nos.
2 3.0, 3.1, and 3.2 were marked
3 for identification.)

4 BY MR. GOLDSTEIN:

5 Q Let me show you a document that's been
6 marked as ComEd Exhibit 3.0, which has a cover page
7 and five pages of questions and answers.

8 And it's entitled, Rebuttal testimony
9 of Woodson Scherer. If I were to ask you the
10 questions contained on those five -- the following
11 pages of questions and answers, would your answers be
12 the same?

13 A Yes, they would.

14 Q And attached to your testimony are two
15 exhibits, 3.1 and 3.2, which are meter tests; is that
16 right?

17 A Correct.

18 Q And those are meter tests that are kept in
19 the ordinary course of Comed's business as a public
20 utility; is that right?

21 A That is right.

22 Q And you have access to those exhibits based

1 on your position with ComEd?

2 A Yes, I do.

3 MR. GOLDSTEIN: Nothing else. Witness is
4 available. I offer Exhibits 3.0, 3.1, and 3.2 into
5 evidence.

6 JUDGE GILBERT: Any objection?

7 MR. MUNSON: No, objection.

8 JUDGE GILBERT: All right. ComEd 3.0, 3.1 and
9 3.2 are admitted.

10 (Whereupon, ComEd Exhibits Nos.
11 3.0, 3.1 & 3.2 were admitted
12 into evidence.)

13 CROSS-EXAMINATION

14 BY

15 MR. MUNSON:

16 Q Good morning, Mr. Scherer, Mike Munson on
17 behalf of Americana Towers.

18 Just because a meter tested out
19 accurately in your shop, does not necessarily mean
20 that the customer was billed correctly; is that true?

21 A It'd be correct.

22 Q In fact the meter can function properly,

1 but a wrong multiplier can be applied thus rendering
2 a bill incorrect; is that true?

3 A Correct.

4 Q In fact, there are many differentiations in
5 billing versus metering; is that correct?

6 A Correct.

7 Q What are some examples where there was
8 nothing wrong with the meter, but a customer was
9 misbilled?

10 A Well, from the standpoint, first of all,
11 I'm not part of the billing organization. My job in
12 field and meter services is to insure the accuracy of
13 the meters.

14 So when we go out to investigate, we
15 really don't actually know the resolve of most of the
16 billing issues. They're done in system billing in
17 the billing correction department.

18 Q Well, you would agree, would you not, that
19 a meter may read improperly. If the meter reader
20 double punches the demand, that would result in being
21 over billed; is that correct?

22 A If the situation were a true -- where a

1 double activation of the cumulative, that could
2 happen, yes.

3 Q A meter reader may read the meter
4 incorrectly that could result in misbilling, correct?

5 A Correct.

6 Q A meter can be read at full scale resulting
7 in a bill demand for the meter of 100 KW when it
8 should have read zero; isn't that correct?

9 A Repeat the question again.

10 Q Actually, strike that question. A separate
11 one. A meter can test accurately in your shop, but
12 not necessarily the customer's site; is that correct?

13 A No, it's not.

14 Q It's not correct. Okay. You didn't test
15 these meters yourself, correct?

16 A No, I did not.

17 Q And these two meters that you provided the
18 results in your exhibit, those were tested where?

19 A At the central shop in Oakbrook.

20 Q Okay. So not at the customer site; is that
21 correct?

22 A Correct. It was at the shop, correct.

1 Q All right. And you don't recall these
2 meters being tested or never saw them. You just are
3 in charge and have access to the information,
4 correct?

5 A Correct.

6 Q So did you test the sensing instruments
7 associated with these two meters?

8 A Our sensing instruments are calibrated
9 under the Illinois Commerce Commission guidelines and
10 calibrated every six months and recorded and tracked
11 for the history of the test board.

12 They're traced back to a standard --
13 it's traced back to (unintelligible) measures. And
14 all the boards are audited on a regular basis by the
15 ICC to ensure that they're accurate and have been
16 calibrated and are up to date.

17 Q Okay. So I do appreciate that. And we'll
18 get back to that in a second. But with regard to
19 these two meters and your test results that you show,
20 did you test the sensing instruments with these two
21 meters while this was tested -- what's the date?
22 September 29th, 1993?

1 MR. GOLDSTEIN: Are you asking whether
2 Mr. Scherer personally tested --

3 MR. MUNSON: No.

4 BY MR. MUNSON:

5 Q No, whether the sensing devices were tested
6 on September 29, 1993?

7 A The sensing devices are tested with a
8 controlled source not on an individual meter. So
9 those meters, once the test board is calibrated those
10 meters are tested with a certificated source inside
11 of the test board.

12 So in other words, they were
13 calibrated. The meters themselves do not calibrate
14 the test board. The meters are merely tested at a
15 test location.

16 Q Okay. So the sensing instruments are not.
17 That's what you're telling me?

18 A They're calibrated every six months and
19 certified to the ICC. So in other words, when they
20 test the meter, it's already calibrated, the board's
21 calibrated.

22 Q So every six months?

1 A Right.

2 Q Do you know when these sensing instruments
3 that are attached to these meters, when they were
4 tested?

5 A I do not have that with me.

6 Q Did you use the same current transformers
7 that was used at the site in your tests?

8 A Current transformers are not tested in
9 conjunction with the meter. They are also tested
10 against a known source, not with the meters.

11 Q Did you test the current transformers that
12 were attached to this meter?

13 A No, we did not.

14 Q You do not know when the current
15 transformers were replaced at this site or if they
16 were; is that correct?

17 A I do not know, correct.

18 Q Were you aware that there was an explosion
19 that caused a fire at this facility on December 24,
20 1992 that destroyed the main electrical distribution
21 panel?

22 A I was not aware of it, no.

1 Q You are aware now, correct?

2 A Correct.

3 Q Could the CTs associated with this meter
4 been destroyed in that fire?

5 A If the CTs were destroyed in the fire, the
6 meter wouldn't have recorded anything.

7 Q Could the CTs have been damaged in the
8 fire?

9 A The CT compartment is a separate
10 compartment from the main switch. Typically, when
11 the CT compartment, if it's damaged, we would have
12 been called out to replace the CT metering
13 compartment.

14 If we did not -- we were not called
15 out for that, it was merely -- it was assumed that
16 the CTs were not damaged by the fire.

17 Q Okay. But I'm not sure you answered my
18 question. I asked could the CTs have been damaged in
19 that fire that were associated with that meter and
20 then --

21 A I actually did not see the damage from the
22 fire occurred -- I mean, anything could be damaged

1 due to an explosion or fire, but if you're asking me
2 could have been if --

3 Q Yeah.

4 A If the whole room was blown up, I'm sure it
5 could have.

6 Q Did you review Mr. Shiffren's testimony in
7 this matter?

8 A His response to my questions, yes.

9 Q Okay. And did you -- do you have a copy of
10 Exhibit 2.6, which is the Rider 7 CT Sizing Guide,
11 Exhibit 2.5?

12 A Yes, I do.

13 Q Is that the right number? I'm sorry.

14 A I don't see an exhibit number on my copy.

15 MR. GOLDSTEIN: Yeah, I believe that's 2.5.

16 JUDGE GILBERT: I don't have that 2.5. So
17 let's figure it out.

18 I have seen this document. I just
19 don't know if it was marked as 2.5. So let's take
20 care of that piece first.

21 (Whereupon, a discussion was had
22 off the record)

1 JUDGE GILBERT: Back on the record.

2 BY MR. MUNSON:

3 Q You have Mr. Shiffren's Exhibit 2.5 in
4 front of you?

5 A Yes, I do.

6 Q Do you recognize this document?

7 A Yes.

8 Q Inside is a Rider 7 CT Sizing Guide?

9 A (Nodding.)

10 Q Now, what size amp CT size was associated
11 with meter -- if I may use the digits 979, the last
12 three numbers?

13 A At 300 amp CTs.

14 Q Okay. So, first of all, it does not say
15 anywhere on this sheet that there's a rating or a
16 safety factor of 1.5; is that correct?

17 A That is correct.

18 Q And this is a 300-amp CT and 277, 480 volt,
19 three phase four wire, right?

20 A Correct.

21 Q And according to this sheet, the full load
22 capacity of a CT of 85 percent power factor is 212

1 KW. And just -- the reason I bring that up was --
2 we'll go through the math, but that 212 is the
3 maximum full load capacity of that CT; is that
4 correct?

5 A What it is is a CT -- and if I may, this is
6 a CT sizing guide.

7 Q Yes.

8 A So it's put together so to give a guide for
9 when customer -- when customer facilities engineers
10 or people with ComEd sizing loads for customer
11 services.

12 So this is a guide for if they come up
13 with an X number of KW load, first install a CT, then
14 full maximum load capacity of this 300 amp CT is
15 about 400 amps, around 317 KW.

16 And the reason we do that is all
17 Comed's equipment is built and protected so that it
18 survives any type of load.

19 Many customers in this situation when
20 they give us their original load sheet may give us --
21 what they -- a number of motors, a number of
22 horsepower, may not be an exact request.

1 Therefore we size our equipment so
2 that they can handle much more than that. So
3 protection of both our meter and CTs.

4 Q Right, but the -- you wouldn't want
5 consistent load on this CT over 212 KW over an
6 extended period of time; that's correct? Isn't it?

7 A We prefer not to do it, but the CT in
8 equipment is capable sustaining load over that.

9 Q For a sustained period?

10 A For sustained periods.

11 Q What happens if -- strike that. Let's go
12 back to that. But generally speaking, you want to
13 size the CT to the anticipated load; is that correct?

14 A That would be correct.

15 Q And if the CT is oversized, it loses
16 sensitivity, correct?

17 A No, it's not correct.

18 Q That is not true. Okay. To get a
19 calculation of kilowatt hours, you need volts and
20 amps and time, right?

21 A Right.

22 Q If the meter wasn't set up for the right

1 voltage, it would read off by a factor of 1.73; is
2 that correct?

3 A The meter -- I actually don't understand
4 the question.

5 Q Okay. Let me try again.

6 A The meter is set up for the --

7 Q If it's not set up for the right voltage,
8 it would read off by a factor of 1.73?

9 MR. GOLDSTEIN: Hold on a second. Are you
10 referring to something specific with respect to the
11 exhibit or something else?

12 THE WITNESS: Our meter and CTs --

13 MR. GOLDSTEIN: Wait a second, Mr. Scherer.

14 MR. MUNSON: The 1.73 is under -- if that
15 figure that is on the Rider 7 CT Sizing Guide under 3
16 phase or has KW times a thousand divided by volts
17 times 1.73 times power factor equals amps.

18 BY MR. MUNSON:

19 Q So I'm asking him if the voltage -- if the
20 meter is set up to the right voltage, it would read
21 off by a factor of 1.73 or did I do the math wrong?

22 A I'd like to explain to you that the meter

1 in this particular one, which is a 277, 480 needs to
2 see phase to phase voltage at 480 and phase to
3 neutral voltage at 277 to record correctly and could
4 record accurately.

5 Now, that -- there are some tolerances
6 inside of the meter to do that, but it's got nothing
7 to do with the CT sizing or the voltage. If 120, 208
8 is applied to the meter, it will not run.

9 If a voltage had 12,000 volts applied
10 to the meter, it will disintegrate and not run at all
11 either.

12 Q Is it possible the meter was functioning
13 properly, but the connecting lines were not connected
14 properly?

15 A The meter won't function and run correctly
16 unless the connecting lines are hooked up correctly.

17 Q Could there have been a short someplace
18 that caused a wrong read?

19 A I can't speculate what would have happened
20 in that situation other than that meter was accurate
21 when we tested it.

22 Q Could the terminals be loose causing a

1 wrong read?

2 A Here, again, I can't speculate what
3 actually happened out there. I did not see it. All
4 we know is when we tested the meter, it was correct.

5 Q But if terminals are loose, that could
6 cause a wrong read, correct?

7 A If terminals are loose, it typically
8 causes -- and it's pure speculation -- a hot spot and
9 equipment will fail.

10 Q Now, with the three-phase grounded Y
11 connection, a line-to-line connection is 480 volts,
12 correct?

13 A Correct.

14 Q With a line to neutral connection -- and I
15 think this is what you were talking about before --
16 the volts would be 277?

17 A Correct.

18 Q If the meter is set up to read line to
19 line, or line to neutral, that could change the
20 calculations of kilowatts, correct?

21 A No, the meter can do either. The meter is
22 set up to read line to neutral or line-to-line

1 voltage.

2 Q But it would change the calculation of KW?

3 A The meter is calibrated at -- all I'm
4 saying is the meter is calibrated at 277 phase to
5 neutral and 480 volt phase-to-phase voltage. It
6 could read both of them.

7 So customers can pull 277 voltage off
8 the meter, it will record it correctly or they can
9 pull 480 phase-to-phase voltage off it and it will
10 record it correctly.

11 Q Okay. So let's try this again. What do
12 you need to calculate KW from a CT? What information
13 do you need?

14 A Just in the form of your -- to get final
15 with the KW is you look at volts times amps.

16 Q Volts times amps?

17 A Times the factor of -- in other words --
18 the formula is right on the Rider 7 if that's what
19 you're looking for.

20 Q Right. And what I'm saying is if one
21 meter -- exact same amount of power is going through
22 the sensing device. Okay. Two different meters, one

1 is reading line to line, the other meter is reading
2 line to neutral, the KW would be different on those
3 two meters?

4 A I don't argue that, but all I'm saying is
5 the meter would record it correctly; in other words,
6 it would have the ability to read KW line to neutral
7 and also line to line.

8 Q Right. But the KWs would be different?

9 A Would be lower.

10 JUDGE GILBERT: On which?

11 THE WITNESS: In other words, I mean, if you're
12 looking at -- if you go through and figure out the KW
13 off 480 volt would be different than 277 phase to
14 neutral. So depending on what equipment's hooked up
15 to it, that's what it would use.

16 Q And so if that were the case, what is the
17 factor that it would be off between the 270 versus
18 480 volts?

19 A It wouldn't be off. The meter has the
20 ability to meter both of them simultaneously phase to
21 neutral and phase to phase, so there is no factor
22 that's off one way or another.

1 So when we put in here this KW factor,
2 you know, it's a KW of what the meter is going to
3 read under full load conditions.

4 It can read anything down to 10 KW or
5 up to 320 KW accurately.

6 Q And my mistake, you were speaking that the
7 meter would be functioning properly, right?

8 A Which is I what I testified to.

9 Q My question goes to the amount that the
10 meter -- that the billing determinants --

11 MR. GOLDSTEIN: I'd like to interpose something
12 at this time, Judge. I think that most of the
13 questions that Mr. Munson has been asking of this
14 witness are in the form of really hypothetical
15 questions.

16 And I would like the record to be
17 clear on that point; with that, he can answer the
18 question.

19 MR. MUNSON: Is that an objection?

20 THE WITNESS: Can you repeat --

21 MR. MUNSON: Just in response, I'm allowed to
22 ask hypotheticals and --

1 JUDGE GILBERT: Absolutely.

2 BY MR. MUNSON:

3 Q Let's go back to this.

4 I'm not asking whether the meter
5 functioned properly. I'm asking if the readings from
6 the meter that the customer is billed on, if it's
7 billed -- if the meter thought it was reading line to
8 line, and it was reading line to neutral, the
9 billings would be different?

10 A That's incorrect. The meter doesn't know
11 that it's reading line to neutral or line to line.
12 The measuring elements measure both equally.

13 Q That still doesn't get there. The
14 customer, again, has two meters. One, the meter's
15 reading line to line. One's reading line to neutral.
16 They get billed for the exact same usage. Do those
17 bills equal the same dollar figure?

18 A First of all, I will restate, I'm not a
19 billing expert. All I know is if you have two meters
20 side by side, one metering 277 which would be phase
21 to neutral, one metering phase-to-phase voltage, the
22 bills could be different.

1 They could be the same depending on
2 the load going through the meters, but they're both
3 metered accurately. I can't determine what the
4 actual bill would be from those.

5 Q All right. Now, you've reviewed -- stated
6 you reviewed testimony of Mr. Shiffren, correct?

7 A I looked.

8 MR. GOLDSTEIN: I think he qualified that,
9 counsel.

10 MR. MUNSON: Give him one of these. May I
11 approach?

12 JUDGE GILBERT: (Nodding.)

13 BY MR. MUNSON:

14 Q My last one. What I'm handing you is in
15 evidence as Mr. Shiffren's Exhibit 1.1, which is a
16 six-page spreadsheet showing billing periods from
17 10/10/91 through July 12th, '91. All right.

18 Now, if you look --

19 MR. GOLDSTEIN: Are you going to ask him first
20 whether he actually reviewed this exhibit?

21 MR. MUNSON: No.

22 MR. GOLDSTEIN: Oh, okay.

1 BY MR. MUNSON:

2 Q From 5/13 -- the billing period beginning
3 5/13/93 to 6/14/93 continuing on, the demands on that
4 meter read 243.6. Were those demands estimated in
5 your opinion?

6 A I'm not a billing expert. And I have not
7 seen this spreadsheet, nor did I see the bills for
8 the account, so all I can tell you is that the meter
9 registered accurately when we tested it.

10 Q What is the likelihood that those
11 three months would register exactly the same number
12 of KWs?

13 MR. GOLDSTEIN: Judge, I'm going to object to
14 this question. He has not laid the foundation that I
15 thought he would with respect to Mr. Scherer's
16 knowledge of the exhibit.

17 He said he hasn't seen this exhibit
18 before. This is a question that is a billing
19 question, not a metering question.

20 Mr. Scherer is here as a metering
21 expert, not the billing expert. This is a question
22 that was better asked of another witness, and it was

1 not asked of that witness or if it was, there wasn't
2 a response. So I'm going to object to the question.

3 MR. MUNSON: If I may. His testimony beginning
4 on line 10 through 15. What is the purpose of your
5 testimony, To respond to metering issues raised in
6 the direct testimony of Mr. Shiffren regarding
7 electric service provided to Americana between the
8 dates of May 13th, 1992 through July 12th, 1999.

9 This is clearly within the scope.
10 He's brought for the purpose of refuting the claims,
11 and so I'm going to ask him the questions.

12 MR. GOLDSTEIN: Judge, Mr. Scherer was merely
13 brought in to discuss the accuracy of certain
14 metering issues, which is attached to his exhibit.

15 And what Mr. Munson is quoting he's
16 well within his right, but he is here just to discuss
17 metering issues not spreadsheets, which he hasn't
18 seen before, and which he did not review for the
19 purposes of his rebuttal testimony.

20 MR. MUNSON: And they have said that in the
21 testimony. This doesn't say that. I believe he said
22 he reviewed Mr. Shiffren's testimony.

1 JUDGE GILBERT: Let me rule, please. This does
2 have to do with the meter. It does have to do with
3 the measurements. I think your question may or may
4 not have been what I would consider a proper
5 question.

6 And it has to do with the likelihood
7 of a correctly functioning meter producing precisely
8 the same usage nine months in a row.

9 If that's the question you're asking,
10 you can ask that -- is that the question you're
11 asking?

12 MR. MUNSON: Yes, I think so maybe a little
13 different.

14 JUDGE GILBERT: I'm not asking --

15 MR. MUNSON: No, no, no. Let me try this.

16 BY MR. MUNSON:

17 Q In your experience, do you see demands
18 registering the same amount three times in a row on
19 meters?

20 A Well, I'll qualify my answer. I typically
21 don't look at billings.

22 Q Is the meter incapable of repeating that

1 reading over and over again?

2 A Right.

3 Q I'm not sure that answered my question.

4 In your experience, do you find

5 that -- strike that. Do you know if these three

6 bills were estimates?

7 MR. GOLDSTEIN: I'm going to object again.

8 This is this --

9 JUDGE GILBERT: I'll sustain it. He doesn't

10 need to answer this billing question.

11 BY MR. MUNSON:

12 Q Do you know if the KW or usage was

13 estimated resulting from those meters?

14 A I have no knowledge of what was done in the

15 billing when they put it -- all I know is that the

16 meters were capable of recording that.

17 Q Drawing your attention to lines 40 through

18 44, you did review the previous and current readings

19 over this nine-month period; is that correct?

20 A Can you repeat the question.

21 Q Did you review the testimony of Mr. Rollins

22 in this proceeding?

1 A I don't believe I did.

2 Q Okay. Well, let me try this: Let me give
3 you a hypothetical. Okay. Let's assume that on late
4 Christmas Eve or early Christmas morning, water
5 dripped into a vault and sparked an explosion and a
6 fire. The power went out for 12, 24 hours in a
7 condominium. Okay?

8 A (Nodding.)

9 Q Workers rushed to the scene, worked to
10 temporarily restore power, and then worked to
11 permanently restore power over the next few months.

12 At the time during the billing months,
13 when that hypothetical fire occurred, demands and
14 usage on one meter approximately tripled.

15 Nine months later a meter was
16 replaced. A cumulative meter was hypothetically
17 replaced with a time of use meter. That exact
18 billing month usage dropped back down to normal,
19 normal historical levels.

20 Do you have any opinion what went
21 wrong with that meter or what accounts for the
22 increased usage and demand?

1 A The only thing I can say to that is when we
2 exchanged that meter out, we exchanged the meter,
3 tested voltages.

4 We also checked the burden rating on
5 the CTs. And it's -- part of our normal process
6 would have been to go through and exchange the meter.
7 It would all be part of the process.

8 At that time there was nothing noted
9 on the account. And we brought the meter in and
10 tested it regularly. I have -- I really can't
11 speculate what might have happened during that fire
12 period.

13 All that I know is when we exchanged
14 that meter, our CT cabinet and meter fitting -- you
15 know, obviously, the customer did not replace it, so,
16 you know, the only thing that I can say that it did
17 not affect the CT cabinet, and metering cabinet.

18 I can't testify or even speculate what
19 might have happened neither beyond that or in front
20 of it.

21 MR. MUNSON: Nothing further.

22 JUDGE GILBERT: I have a few.

1 CROSS-EXAMINATION

2 BY

3 JUDGE GILBERT:

4 Q Take a look at your Exhibit 3.1. And I
5 just want to ask you to walk me through this. I'd
6 like you to do it in my pace in response to my
7 questions.

8 And I would like you to try to do
9 this: As I have found technically knowledgeable
10 persons especially in this context and especially who
11 work in a fairly large company tend to have a lot of
12 judges, tend to assume everyone around them knows
13 what they're talking about, assume that I do not.

14 As I think it was Denzel Washington
15 once said in a film, Treat me as if I'm 4 years old.

16 A All right.

17 I was just going to ask you, the
18 exhibits I have are actually not numbered. Which
19 meter number is 3.1?

20 MR. GOLDSTEIN: 979.

21 JUDGE GILBERT: Thank you.

22

1 BY JUDGE GILBERT:

2 Q All right. Let me ask questions because
3 that will help me work at my pace, and hopefully
4 understand what you're telling me.

5 A Okay.

6 Q Now, what I'm looking at I assume is a
7 printout of information as it appeared on a computer
8 monitor, correct?

9 A Correct.

10 Q All right. Now, if you look at the word,
11 "close" and then next to it it says, "curr slash
12 hist". That's c-u-r-r slash h-i-s-t, obviously,
13 standing for current and history?

14 A Mm-hmm.

15 Q What does that mean? Why are those two
16 designations even there?

17 A We have a shop system that controls and
18 keeps the test data, so that when the ICC comes to
19 audit, we can show them both previous tests on the
20 meters and current tests on the meters, so it keeps a
21 history of the meter test.

22 Q Okay. And why does it say -- well, let me

1 ask it this way: You drew this off your computer in
2 preparation for this litigation, correct?

3 A Correct.

4 Q So why would there be a current reading at
5 all because this is really an old meter?

6 A These particular meters are still being
7 used in service today. I don't know if this
8 particular one is, but this type of meter is.

9 Q Okay. And so the test that was relevant to
10 this litigation would be the one that's highlighted
11 in black on that line?

12 A Correct. Correct.

13 Q And then with the information that was part
14 of that particular test, which is the last in that
15 series, would that be found where it says, "page 2 of
16 3"; that refers to that particular test?

17 A Correct.

18 Q Okay. That test occurred in '93. It looks
19 like it. And I have no idea what the significance of
20 this would be, but it started at 9:07, and it ended
21 at 9:08?

22 A Correct.

1 Q Is that a standard thing? This is a one
2 minute test?

3 A Basically, what it is is the ICC stipulates
4 X number of percent of seconds for a test. The test
5 port is setup to be within the ICC guidelines to
6 simulate that through the meter.

7 Q Okay. And something that would run
8 one minute is within those guidelines?

9 A Correct.

10 Q All right. And then it refers to full load
11 and light load, which you also referred to in your
12 testimony. What is the difference between full load
13 and light load?

14 A What full load does is each meter has a
15 maximum capacity for test amperage. And what it does
16 is -- self-contained meter is -- most of them are 30
17 amp. Test amperages would be full load. One tenth
18 of that would be three amps.

19 In this particular meter, it's a
20 two-and-a-half amp meter because it hooked to current
21 transformers, the transformers we talked about.

22 So the full load would be passing two

1 and a half amps of current through the meter against
2 the measuring standard of the machine.

3 The light load would be passing a
4 quarter amp of current through, so the meters are
5 able to measure both a trickle as well as a maximum
6 load in the meter.

7 Q Okay. And then the percentage you get; for
8 example, under full loads 99.91, that's the
9 percentage of the standard?

10 A The meter to the standard.

11 Q Right.

12 A In other words once the standard is
13 calibrated, and then the meter tests against that
14 standard. And if the meter is a hundred percent to
15 what the standard is, it's a hundred percent.

16 If it's nine-tenths slow, that's what
17 that one particular one is.

18 Q Okay. When it says, In limits, the
19 question -- it indicates, I guess, that the meter was
20 in limits?

21 A Right. It says either out of limits or in
22 limits. So the Commerce Commission gives us plus or

1 minus one percent of the meter. If the meter tests
2 within that, the test port prints out that the meter
3 tested in limits.

4 Q Okay. Thank you. Americana Exhibit 2.5 is
5 not your exhibit, but I think this a neutral question
6 with respect to that formula here in the lower
7 right-hand quadrant of the page, it refers to P. F.
8 What is P. F.?

9 A Power Factor.

10 Q Okay. And what is the 1.73?

11 A It's a calculator that is in the formulas.
12 I do not know the explanation of it.

13 Q Okay. But we know it's not a power factor
14 since they're two separate --

15 A Correct.

16 Q -- elements there?

17 A Correct. It's not the power factor.

18 Q And then V is voltage?

19 A Correct.

20 Q All right. On page 2 of your testimony,
21 there is a sentence that begins on line 42 and runs
22 through line 44; you see that?

1 A Mm-hmm.

2 Q All right. How do you know what you said
3 there to be the case? That's not part of testing the
4 accuracy of the meter, is it?

5 A No, but as you see when we were talking on
6 the reading -- on the test previously, the dial
7 reading is entered into the meter test.

8 Q Yes. I see that.

9 A So what we do -- so in other words when we
10 tested it within limits -- and this is the take out
11 read of the particular meter -- it shows a
12 progressive read from when it was installed, so it
13 shows the meter was running.

14 It doesn't exactly look at what the
15 billing stuff is, but then, you know, as we -- as I
16 went through the testimony, we looked up to see that
17 the progressive read was in line with what the take
18 out read was.

19 Q And you were able to determine the previous
20 and current readings and whether they conformed for
21 each of those nine months; is that what you mean
22 there? From month to month you were able to

1 establish that they conformed to each other?

2 A As I put my testimony together, and we
3 tested the meter, you know, we shared the test
4 results with the team as we were looking at what the
5 previous and current reads were.

6 And I'm not a billing expert, but as
7 we read through it and looked at the take out read to
8 what the read was when it was in, it was my
9 understanding based on the accuracy of the meter that
10 the readings were correct.

11 Q Okay. I may not have asked specific enough
12 questions. That answer may have been fine, I'm just
13 not clear on it.

14 I'm looking at Mr. Shiffren's Exhibit
15 1.1, and I see nine highlighted items here with
16 respect to this Meter 979. I think that's what
17 you're talking about. And that the nine months
18 you're talking about begin 12/12/92, that bill
19 period; is that correct?

20 A Yes, the highlighted ones begin 12/12.

21 Q Okay. So those are the nine months you're
22 talking about in your testimony on page 2?

1 A Well, these are actually the kilowatt
2 hours. These are not the actual watt hour reads.
3 These are the KW reading. This is the watt hour take
4 out read.

5 MR. GOLDSTEIN: Judge, I think -- not that I
6 mean to interject, of course, but I think the answer
7 lies on lines 42 and 43 where he talks about the
8 previous readings correctly matched the current
9 readings from the prior bill period.

10 And your question is more all
11 encompassing for the nine month period, and I do not
12 believe that in response that Mr. Scherer covers that
13 nine-month period.

14 JUDGE GILBERT: Okay. And that's exactly what
15 I was asking.

16 MR. GOLDSTEIN: And I think that's why you're
17 confusing the witness.

18 JUDGE GILBERT: Okay. Well --

19 MR. GOLDSTEIN: Or he is confused or I'm
20 confused or somebody's confused.

21 BY JUDGE GILBERT:

22 Q Well, what is that referring to then? The

1 previous reading matched the current readings from
2 the prior bill period? At what point in time are you
3 talking about there?

4 A When we test -- when we pulled the meter
5 out and tested it -- and we had the take out read --
6 it matched what the bill was billed for on the take
7 out read.

8 Q Meaning in September of '93?

9 A Correct.

10 MR. GOLDSTEIN: May I?

11 JUDGE GILBERT: No. Let me go.

12 MR. GOLDSTEIN: Okay.

13 BY JUDGE GILBERT:

14 Q All right. Did you look at as part of your
15 analysis the previous and current readings between
16 these two intervals or as part of your analysis, did
17 you look at the previous and current readings for the
18 following interval: Between the billing periods
19 November 12th, '92 to 12/12/92 and 12/12/92 to
20 1/13/93?

21 A It was my understanding when I answered
22 this that the take out read matched the take out read

1 and the kilowatt hour usage matched, meaning that the
2 read on the meter actually matched what was taken
3 out.

4 And so therefore, just looking at the
5 reads. I did not calculate demand, and I did not go
6 into that part of the bill.

7 Q Okay. I didn't ask you about demand.

8 A Right.

9 Q The take out read -- now, that's not
10 language that appears here on lines 41 to 44?

11 A You're right. You're right.

12 Q And I'm just trying to understand it.

13 A When I said reading I was looking at the
14 reading that's on the -- the test of the meter.

15 MR. GOLDSTEIN: Could we, Judge, define what
16 the term take out read means?

17 JUDGE GILBERT: Sure. Sure.

18 THE WITNESS: Take out read means when the
19 meter was removed from the field that was the reading
20 that was recorded.

21 And then we also recorded that read
22 when we tested the meter. It gets inputted into the

1 system, if that's what you're talking about.

2 BY JUDGE GILBERT:

3 Q Okay. The take out read is a KWh reading?

4 A Correct. Correct.

5 Q And you're saying that the take out reading

6 when you removed the meter in September of '93,

7 matched what?

8 A In other words matched the reading on the

9 bill.

10 Q And that's all you're saying there?

11 A Correct.

12 Q All right. Would you know then from your

13 analysis -- if you look at these periods: First

14 period is 11/12/92 to 12/12/92, second period

15 12/12/92 is 1/13/93, would you know if the left and

16 found readings were the same?

17 A I would not.

18 Q Okay. So all you're testifying to with

19 respect to the accuracy -- or not accuracy. I'm

20 sorry -- the consistency between previous and current

21 readings --

22 A Correct.

1 Q -- is between what was billed in
2 September -- or for September of '93 and what you saw
3 on the meter itself?

4 A Correct.

5 Q And you're not making any statement with
6 respect to the month-to-month readings from December
7 of '92 through September of '93?

8 A I am not sure this is the only valid
9 reading I have, and that was what I was basing it on.

10 Q Thank you. You've cleared that up. Thank
11 you. Okay. If you look at page 3, line 53, there
12 have been some discussion there of your choosing the
13 rating factor of 1.5 as you state there.

14 Could you explain what that is and
15 could you explain why you chose that?

16 A Part of the spec when we purchased the
17 equipment from the manufacturer -- this was a general
18 electric CT, was that we -- and part of their design
19 factor is to also protect their equipment. So part
20 of our thing is when we buy 300 amp CTs, we have a
21 safety rating factor of 1.5. It's on all our current
22 transformers.

1 And that's basically to protect the
2 equipment, the meter and CTs from having overloaded
3 situations and failing in the field.

4 Many times, you know, as I stated
5 earlier, customers put together their load letter and
6 explain what they're going to have. And when we --
7 once the equipment is installed, many times it
8 becomes much different.

9 So our equipment we value greatly, so
10 the reading factor and as a safety factor is built in
11 to all the equipment. Now, we don't give that rating
12 out when they size a particular CT because then they
13 would just push that particular instrument that much
14 higher.

15 And it's just a -- we do that in all
16 of our equipment, all of our current transformers.

17 Q Is the 1.5 rating factor something
18 recommended by the manufacturer or is that a policy
19 adopted by ComEd?

20 A It's actually recommended by the
21 manufacturer to protect their equipment.

22 Q 1.5?

1 A Right. And the larger voltage transformers,
2 it's actually a little bit lower because, you know,
3 when you go into 34,000, 12,000 volt transformers,
4 it's only like 1.25.

5 And -- but on the smaller current
6 transformers, the metering ones because they're
7 directly connected to meters, typically, they want
8 those to be able to withstand a higher continuous
9 load without failing.

10 Q Okay. I think my last question -- let me
11 make sure. I don't want to give you a promise I
12 can't keep. Yeah, I think my last question is: Same
13 page, page 3, top of the page, line 47, you say there
14 that general failures in electromechanical meters
15 cause the meter to stop or slow down. What do you
16 mean by general failures?

17 A Well, any type -- let's put it this way:
18 The electromechanical meter has a magnetic disk
19 suspension with a -- what happens it has the tendency
20 as age, dirt and debris will build up into the
21 bearing and generally slow the meter down as it comes
22 with age.

1 The meter will come out and do 100
2 percent new, if it's 10 years old, if it's 20 years
3 old. Now, it can be compensated for when we test it
4 and adjust it to still be, you know, within limits,
5 but what it is is they actually -- as they grow in
6 age, they slow down as they go -- as they get older.

7 Q Okay. And so this sort of general
8 degradation with age is what you mean by general
9 failure?

10 A Correct. Correct.

11 Q Okay. Are there --

12 A If there is an electric failure, it usually
13 opens the potential coil in the meter, which stops
14 the meter. The one where the general degradation (sic)
15 where it will fail over time from age or use, it will
16 actually slow the meter down to the point where --
17 you know, I mean, and it's not a dramatic thing, but
18 it starts to slow as age creeps in, electrical
19 failure would cause an open situation inside the
20 meter and stop it recording, but the majority of the
21 failures we've seen, electromechanical, are due from
22 age, wear, and dirt inside the meter.

1 Q Okay. And it's that latter category that
2 you're referring to when you say general failure?

3 A Yes. Yes.

4 JUDGE GILBERT: All right. Thanks very much.

5 MR. GOLDSTEIN: You have a few minutes?

6 JUDGE GILBERT: Of course.

7 REDIRECT-EXAMINATION

8 BY

9 MR. GOLDSTEIN:

10 Q On cross-examination, Mr. Scherer,
11 Mr. Munson asked you a question about level punching.
12 And my question to you is: When there would be a
13 double punch on the meter, does it automatically
14 double the demand and usage on the meter?

15 A Double punch can occur from failure in
16 the -- for whether it'd be vandal or read a second
17 time by a meter reader, but it only double punches
18 the demand. It does not double punch the kilowatt
19 hour usage.

20 Q And in your review of the metering in this
21 case, did you find any evidence of double punching?

22 A In this case it appears that both demand

1 and kilowatt hour usage increased that the meters saw
2 both.

3 Q And finally there was some question asked
4 of you by Mr. Munson with respect to the fact that
5 the meters were tested in shop versus tested in the
6 field. Would there be any difference in the testing
7 in shop versus a field test of the meters?

8 MR. MUNSON: Objection. Foundation.

9 JUDGE GILBERT: Overruled.

10 THE WITNESS: In the field a customer can
11 request a field test. We have the same calibrated
12 standard that we calibrated for our test boards.

13 We won't come out to a particular test
14 site. We'll isolate the meter from the customer's
15 load and put a known induced load from this standard
16 into the meter and measure its measuring elements
17 against the known calibrated load.

18 BY MR. GOLDSTEIN:

19 Q And so whether it's tested in shop or
20 tested in the field, the results would be the same,
21 correct?

22 A Same process, correct.

1 MR. GOLDSTEIN: Nothing else.

2 JUDGE GILBERT: Recross?

3 RECROSS-EXAMINATION

4 BY

5 MR. MUNSON:

6 Q The results would be the same process for
7 the meter specifically, correct?

8 A Correct, which is what I testified to.

9 Q Right, not necessarily to the connecting
10 equipment or to the CTs, correct?

11 A If we do a field test, we also verify that
12 the CT -- everything is -- in other words we go
13 through and check everything.

14 Q But you didn't do a field test here. This
15 was brought back?

16 A We were not requested to do a field test.

17 MR. MUNSON: May I ask a question in response
18 to your questions?

19 JUDGE GILBERT: No.

20 MR. MUNSON: Okay. Nothing further. Thanks.

21 JUDGE GILBERT: Okay. Thank you, Mr. Scherer.

22 Does that complete Commonwealth

1 Edison's evidentiary case?

2 MR. GOLDSTEIN: Yes.

3 JUDGE GILBERT: Okay. I think all our exhibits
4 are marked and hopefully correctly marked. All
5 right. So I think we can mark our evidentiary record
6 heard and taken.

7 And now, we can move to the question
8 of briefing, and let's go off the record.

9 (Whereupon, a discussion was had
10 off the record.)

11 JUDGE GILBERT: Back on the record. We had a
12 constructive conversation with the parties about
13 briefing schedules. And they have decided that -- I
14 have decided that the initial briefs will be filed by
15 close of business February 13th.

16 The prior briefs close of business
17 March 2nd. And after I circulate an administrative
18 law judge's proposed order, the parties will have two
19 weeks to file simultaneously their exceptions in a
20 single round of exceptions.

21 Anything else the parties want to
22 discuss on the record today?

1 MR. GOLDSTEIN: No.

2 MR. MUNSON: Those dates are in 1998 (sic)?

3 JUDGE GILBERT: Yeah. We've kind of moved the
4 clock -- no, 2007 when we'll all be a little bit
5 older.

6 (Heard and taken.)

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